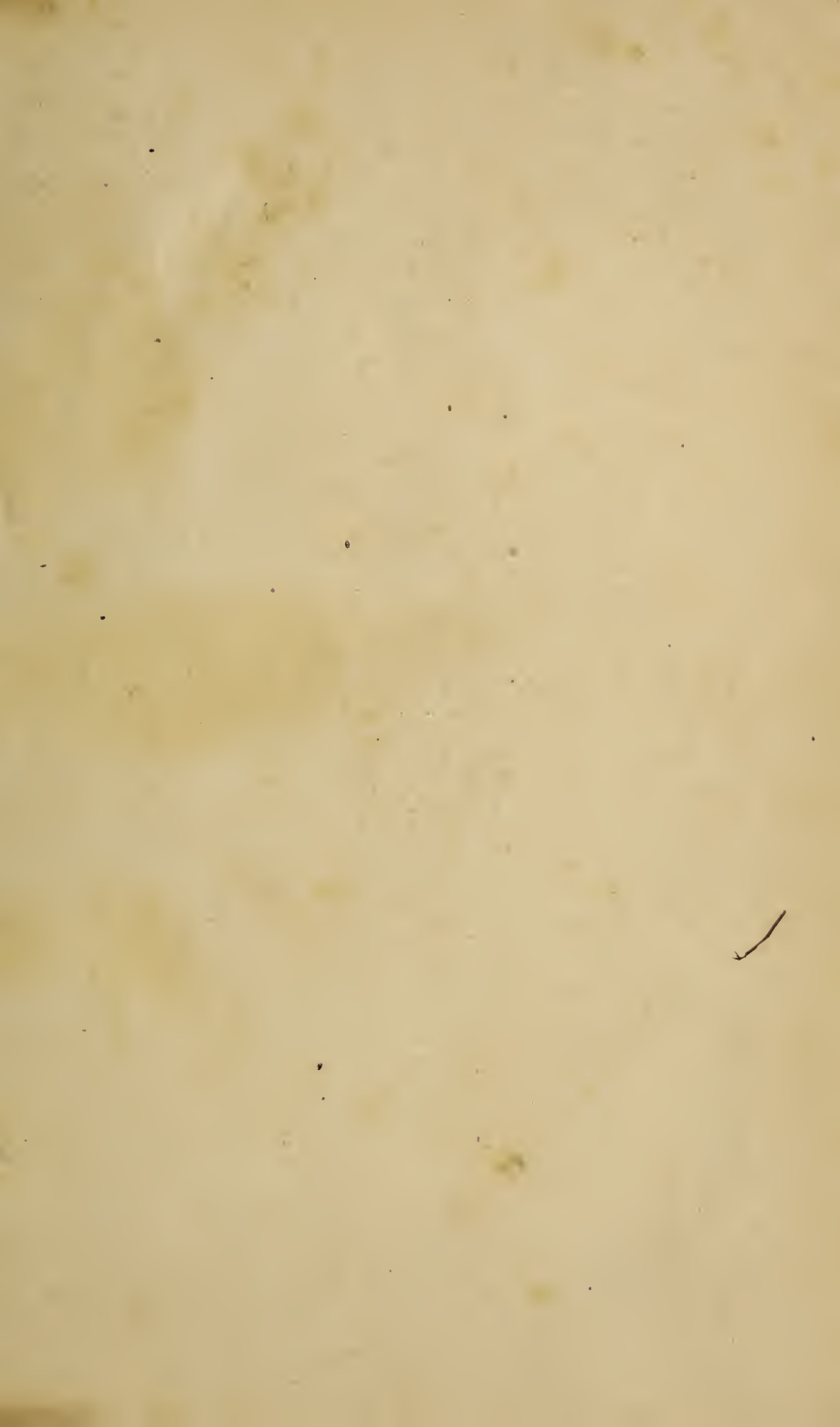


**THE UNIVERSITY  
OF ILLINOIS  
LIBRARY**

328.7541  
W52s  
1866











Digitized by the Internet Archive  
in 2016

<https://archive.org/details/journal1866west>

JOURNAL  
OF  
THE SENATE  
OF THE  
STATE OF WEST VIRGINIA,  
FOR THE FOURTH SESSION,

COMMENCING JANUARY 16, 1866.



WHEELING:  
JOHN FREW, PUBLIC PRINTER.

1866.



328.7541

W 523

1866

## JOURNAL.

TUESDAY, JANUARY 16, 1866.

The members of the Senate assembled at their chamber at 10 o'clock, A. M., and were called to order by the clerk.

After prayer by Prof. W. R. White, the clerk submitted the returns of the election held on the 27th day of October, 1865, for a Senator, for each of the ten senatorial districts of the State, and presented a list showing, that the following persons appear by said returns to be elected :

FIRST DISTRICT—Isaac H. Duval, of Brooke county.

SECOND DISTRICT—James Burley, of Marshall county.

THIRD DISTRICT—John S. Burdett, of Taylor county.

FOURTH DISTRICT—Daniel Haymond, of Ritchie county.

FIFTH DISTRICT—Edward S. Mahon, of Jackson county.

SIXTH DISTRICT—Emmet J. O'Brien, of Barbour county.

SEVENTH DISTRICT—D. H. K. Dix, of Putnam county.

EIGHTH DISTRICT—John Cook, of Wyoming county.

NINTH DISTRICT—Henry M. Mathews, of Greenbrier county.

TENTH DISTRICT—Joseph A. Chapline, of Jefferson county.

The clerk then called the roll, and the following members, old and new, answered to their names :

Messrs. Burley, Burdett, Chapline, Chambers, Corley, Dix Duval, Hawkins, Kitchen, Mahon, Maxwell, Peck, Price, Slack, and Stevenson—15.

ABSENT—Messrs. Cook, Haymond, Mathews, O'Brien and Wright—5.

The members elect, who were present, then came forward and were qualified according to law.

The clerk stated that the first business in order was the election of a president of the Senate.

There being no nominations, the members proceeded to ballot for a president.

The first ballot resulted as follows :

For Aaron Hawkins, 6 votes ; for William E. Stevenson, 5 ; for William Price, 2 ; for Greenbury Slack, 1 ; and for Bethuel M Kitchen, 1. Total 15. Necessary to a choice, 8. So there was no election.

1012651



The second ballot resulted as follows :

For William E. Stevenson, 10; for Aaron Hawkins, 4; and for Daniel Peck, 1. Total 15. Necessary to a choice, 8.

So, Mr. Stevenson, having received a majority of the whole number of votes cast, was declared elected president of the Senate; and the clerk having appointed Messrs. Peck and Hawkins to conduct the president to the chair, they performed that duty; and Mr. Stevenson accepted the position in an appropriate address, and entered upon the discharge of his duties.

Mr. Haymond appeared and was qualified.

On motion of Mr. Maxwell,

*Resolved*, That Ellery R. Hall is hereby appointed clerk of the Senate.

On motion of Mr. Mahon,

*Resolved*, That Alpheus D. Hagans, be appointed Sergeant-at-arms of the Senate.

For Doorkeeper of the Senate, Mr. Burley nominated William M. Dunnington, of Marion county, and Mr. Dix nominated Mr. Richard G. Mahon, of Jackson county.

The first ballot resulted as follows :

For R. G. Mahon, 11; and for William M. Dunnington, 5. Total, 16. Necessary to a choice, 9. So, Mr. Mahon was elected.

On motion of Mr. Peck,

*Resolved*, That the President be authorized to appoint two pages for this body.

The President appointed under this resolution, Masters, E. S. Dillon and Charles H. Pumphrey.

Mr. Henry M. Mathews, Senator elect for the 9th district through the President, presented a paper, showing that he had taken and subscribed before a Notary Public in Greenbrier county, an oath to support the constitution of the United States, and to faithfully perform the duties of the office of Senator to the best of his skill and judgment, which was read.

On motion of Mr. Burdett, Mr. Mathews was permitted to address the Senate in explanation of his position, and that of his constituents.

At the conclusion of Mr. Mathews address, the President stated that the oath referred to as taken by the gentleman, was not the oath required by law.

But no action was taken by the Senate.

On motion of Mr. Hawkins,

*Resolved*, That a committee of two be appointed to inform the House of Delegates, that the Senate is organized and ready to proceed to business.

The President appointed as such committee, Messrs. Hawkins and Maxwell.

A message from the House of Delegates by Messrs. Goff, Camden and McWhorter, informed the Senate, that the House was organized, and ready to proceed to business.

On motion of Mr. Maxwell,

*Resolved*, That a committee of two, on the part of the Senate, and three, on the part of the House of Delegates, be appointed to inform the Governor, that both Houses of the Legislature are now organized and ready to receive any communication he may desire to make.

Messrs. Maxwell and Chapline were appointed such committee on the part of the Senate, and were directed so to inform the House.

A message from the House of Delegates by Mr. McWhorter, announced that the House had adopted the following resolution, and asked concurrence; and had appointed thereunder, on the part of the House, Messrs. Hornbrook, Hagans and Fleming:

*Resolved*, That the House appoint three, and the Senate be requested to appoint two members of a committee to wait upon His Excellency, the Governor, and inform him of the organization of their respective Houses.

The Senate concurred in said resolution, and appointed on its part, Messrs. Maxwell and Chapline.

Mr. O'Brien appeared and was qualified.

The Governor's Message was then received, and read as follows:

STATE OF WEST VIRGINIA,                    }  
EXECUTIVE DEPARTMENT, WHEELING, Jan. 16, 1866. }

*Gentlemen of the Senate*

*and House of Delegates:*

You have assembled under more favorable auspices than any preceding legislature of our State. Since the adjournment of the last legislature, the War has been brought to a close by the triumph of the National arms and the suppression of the Rebellion. The evacuation of the pretended Rebel Capital, and the flight of the chief conspirators, was followed by the surrender and disbanding of their armies, and by the acknowledgment of the National authority everywhere throughout the entire land. It is a matter of congratulation among ourselves, as of profound gratitude to Almighty God, that through His blessings the War has thus been brought to a successful and happy termination.

#### RECONSTRUCTION IN THE SOUTH.

The process of reorganizing the rebel States has progressed as rapidly as, under the circumstances, could have been desired, and certainly more rapidly than was at first expected. In most of them, civil organization has been in a measure restored: the dangerous

and unwarranted doctrine of secession has been abandoned; the debts created in support of the Rebellion have been repudiated; and the abolishment of Slavery has been recognized either by separate state action or by the ratification of the Amendment to the Constitution of the United States.

But while this much has been done, and it may be that the people of the South generally recognize and accept the fact that the Rebellion is ended, and do not commit open violence, yet there are frequent manifestations of a spirit of discontent and bitterness, and, at times, of disloyalty, which are subject to serious objection, and tend very much to delay the full and complete return of those States to their original position and standing in the Union. Many of these States have elected senators and representatives to Congress. Some of them will, and perhaps should, be allowed representation soon, while to others it will very properly be denied for a time. Certainly no one should be admitted as a member of either House who has voluntarily participated in the Rebellion.

It has seemed to me that too great anxiety is manifested on the part of those who actively engaged in the Rebellion to repossess themselves of place and power. They are too impatient under the safeguards that it has been deemed necessary to adopt for the protection and preservation of the Government. They were engaged four long years, with all the means they could command, in their efforts to sever the Union and subvert the Constitution. They persistently reject all overtures of reconciliation on the basis of the integrity of the Union, until they were compelled by the strong arm of power to surrender and submit to the lawful authority. It has scarcely been nine months since their rebellious organization—stable and powerful as they supposed—was bidding defiance to the Government; yet now they gravely insist upon the right to immediate participation in the making and administration of the laws of that Government, in the same manner and as fully as if they had not so recently sought its destruction. It must be apparent that time should be taken on this subject. Nevertheless, it is no doubt the desire of every patriot in the land that at no very distant period it may be found compatible with the safety and interest of the whole country to restore to these States their due representation in the Government, and that the whole may once more become an united, harmonious and happy people.

#### REORGANIZATION IN THE STATE.

Permanent civil organization has been restored throughout our own State, except in five or six counties on the extreme eastern border. These have been partially organized, and would have been entirely so, had my efforts to that end been seconded as they should. But I regret to be compelled to state that many of the intelligent and leading participants in the Rebellion, instead of counselling observance of the law, have pursued a course of conduct that has prevented complete organization in the five or six counties mentioned. These parties either became candidates themselves, or induced others who, like themselves, had committed acts of disloyalty, to become candidates for office, at the election in October last; and

in a number of cases these ineligible parties were elected. They cannot take the oath of office prescribed by existing law, and as a consequence, these offices are not filled by persons elected by the people, but their functions, are performed, as far as it is practicable to have them performed at all, by appointees.

#### JUDGE OF NINTH CIRCUIT.

At the same time, an election was held for a judge of the Ninth Judicial Circuit, and Samuel Price, Esq., of the county of Greenbrier, claims that he received a majority of the votes for that office and is therefore entitled to the commission. From some cause unknown to me, I have not received the official returns of the election from all the counties in the circuit, and therefore cannot tell who received the greatest number of votes, but am inclined to think that Mr. Price has a majority. It is well known to me, however, that at the close of the Rebellion, and for some time previous, he held the influential position of Lieutenant-Governor in the rebel government of Virginia, and of course he cannot take the oath of office prescribed by our law. I have, on this account, taken the responsibility of declining to issue a commission to him for the high and responsible position to which he claims to have been elected.

I cannot commission to so high and important an office one who has so recently been engaged in efforts to destroy the State and to overthrow the Government of the United States.

#### BAD FAITH OF RETURNED REBELS.

As intimated, the result of these elections are due mainly to the teachings of leading and intelligent men who have been actively engaged in the rebellion, and who were well aware of the ineligibility of the candidates, if successful. They taught that the oath of office prescribed by the act of November 16, 1863, would not be exacted, and that therefore participants in the Rebellion would be allowed to execute the duties of offices to which they might be elected. They advised further that the officers of elections were not required to take said oath; and that the law of February 25, 1865, prescribing an oath for challenged voters was unconstitutional and void, and should therefore be disregarded. They thus in many instances, secured persons in the same category, or in sympathy, with themselves, to act as supervisors and inspectors of elections, who held the elections without being sworn, and, pursuing the advice given, they refused to exact of voters the test oath of loyalty, notwithstanding they had been challenged as the law prescribes. The consequence was that at many of the voting places the election was conducted wholly in disregard of the laws of the State, and persons were elected who cannot qualify. And now new elections must be held, or the oath of office amended so that it may be taken by those who have been elected.

#### ENFORCEMENT OF OATHS OF LOYALTY.

After the war ended and peace was being restored, I entertained the hope that I would be able at this session of the Legislature to recommend the modification of the more stringent laws in regard to



the election and qualification of officers; but after what has transpired at the first and only election held since the close of the war in the localities where disloyalty had most prevailed, I cannot make such recommendation. On the contrary I now think it the duty of the Legislature to so amend these laws that their execution may the more certainly be secured. And to this end I recommend, 1st, that you provide for a registry of voters as authorized by the Constitution, Art iii, Sec. 12; 2d, that you declare distinctly that all officers of election shall take the oath of office, prescribed by the act of November 16, 1863, and, if they fail to do so at any place of voting, that the vote where such failure occurs shall be void and shall not be counted; 3d, that you require all the county and the principal township officers to qualify before the circuit court of the county, or the judge thereof in vacation. These amendments, it seems to me, will insure the purity of elections and the due and proper enforcement of the laws. And in order that there may be no failure in the administration of the laws where a person is elected who cannot qualify, and, at the same time, frequent elections may be avoided, it may be proper to amend the law so that vacancies may be filled until the succeeding annual election, instead of holding special elections as now provided by law; and that the vacancies in the principal township offices may be filled, as many county offices now are, by the circuit court, or the judge in vacation.

I know that the passage of the laws to which I have referred has been attributed to a vindictive and unkind spirit on the part of the loyal people towards those who have hitherto committed acts of disloyalty, but I confidently affirm that they were not so intended by those who passed them; nor am I actuated by any such spirit in recommending their amendment and enforcement. When they were passed it was deemed necessary to adopt some measures of protection against the evil influences which those in rebellion were exerting within our State; and it was intended, no doubt, as soon after the war concluded as the hitherto disloyal should manifest their purpose to observe the laws and support the government of the State, that the acts complained of should be modified or altogether repealed. But I confess my disappointment in finding that, instead of observing the laws, and counselling others to do so, many of those who have professed to renounce their disloyalty, have seized the first occasion to set at naught those laws, and have induced others to wholly disregard them. Under these circumstances I believe it to be the duty of the Legislature, not only to allow the present acts to remain, but to add thereto such provisions as will secure their certain and continued execution, until those who manifest this disorganizing spirit shall conform thereto, or, if they consider themselves aggrieved, shall seek redress in a legitimate mode.

JEFFERSON AND BERKELEY.

During the last Fall, and since the return to the county of Jefferson of persons who had been actively engaged in the Rebellion, there has been a party in that county who prefer living within the



jurisdiction of Virginia rather than in West Virginia, and have been contending that all that has been heretofore done for the purpose of transferring that county, and the county of Berkeley from the former State to the latter, is irregular, unconstitutional and void, and does not effect the purpose intended. And in accordance with their views on this subject, they made preparations and declared their purpose to hold an election in Jefferson county on the 12th day of October, for members of the General Assembly of Virginia, and for a representative in Congress from that State; that being the day appointed by the proclamation of the Governor of Virginia for filling all vacancies in the legislature of the State and in the representation in Congress from that State. Upon being satisfied that it was their determination to hold the election at the time mentioned, I, on the 9th day of October, issued my proclamation, warning all persons against attempting to hold such election, and directing the arrest of any who should attempt it. But as the civil authorities alone would not have been sufficient to prevent the holding of the election and to arrest the offenders, if resistance had been offered, I requested Maj. General W. H. Emory, commanding the District of West Virginia, to aid the civil officers in maintaining the laws; and it affords me pleasure to acknowledge, in this official manner, the promptness with which that gallant officer responded to this, as he has to all calls made upon him since he has been in command within this State. As a consequence of these precautionary measures, no election was held.

I am assured, and have no doubt of the fact, although not officially informed of it, that, at the instance of the malcontents referred to, the General Assembly of Virginia, at its present session, has repealed the laws giving the consent of that State to the annexation of the counties of Berkeley and Jefferson to West Virginia. It is believed that this repeal cannot effect the status of these counties; but in order to avoid further controversy on the subject, it has been deemed proper to obtain the sanction of Congress to their transfer from one State to the another. For this purpose a bill has been introduced into Congress, which it is expected will pass, and thus quiet and harmony will be restored to the community interested.

The effort to set up the authority of another State in the county of Jefferson, and the many obstructions thrown in the way of the execution of the laws in other portions of the State, have induced me to look into the law for a remedy, but there seems to be none provided. Chapter 190 of the Code of 1860 might have embraced the effort to establish the authority of another State within the limits of this State, but this chapter was repealed by the act of March 3, 1864, and I can now find no law on the subject. There is no punishment at all provided for in many cases of resisting the execution of the laws, and, where there is such provision, it will be found wholly insufficient. While I do not propose to prescribe the details of legislation that may supply these omissions, I commend the subject to your careful consideration.

## THE COLORED PEOPLE.

The recent amendment to the Constitution of the United States completes the abolition of slavery and leaves the colored people in our midst free, a fact which should be borne in mind and recognized. Under the constitution of our State they cannot vote or hold office, but they are entitled to security and protection of person and property, which should be guaranteed to them by proper legislation. An important step towards the accomplishment of this purpose, and one it seems to me you should not hesitate to take, is the removal of the restrictions upon their competency as witnesses. Until this act of justice is done, all other guarantees are fruitless, and these unfortunate people are left to the mercy of any one who chooses to inflict injury upon them.

## SUITS BY REBELS.

An act was passed at the last session of the legislature "to prevent prosecution of suits and the suing out of process by persons engaged in the rebellion." This act provides that the defendant in any suit may require the plaintiff to file an affidavit that he has not participated in the rebellion, and if he fails to file the same, his suit shall be dismissed. It seems to me that this law is of doubtful expediency. If it was intended to prevent rebels from suing loyal men for acts done during the rebellion; it will be seen that while this object is effected, its provisions apply equally to any act done or contract entered into at any time after its passage. So that if it remains as it is, no person who has taken part in the rebellion can at any time in the future prosecute a suit of any kind. This being the case, they cannot enforce any contract they may make. They can neither buy nor sell with safety to themselves, unless the transaction is completed at the moment—for they cannot enforce the contract by suit. Thus you have a number of the population of the State who can engage in no business and must necessarily become drones in society. It may be said that if they are not satisfied with our laws they can leave the State. But those that own property cannot sell it even for that purpose, as by this law they are not allowed to enforce their contracts. I recommend that this act be at least so modified as not to apply to any transaction since the end of the war.

## FINANCES—THE AUDITOR'S REPORT.

The condition of the Finances will appear from the Reports of the Auditor and Treasurer to be as follows:

Balance remaining in the Treasury, January 1, 1865,	\$297,210 87
Receipts from all other sources during the fiscal year ending Dec. 31, 1865.....	\$381,383 92
Total receipts,.....	\$678,593 79
Disbursements during the year ending Dec. 31, 1865,	417,210 55
Balance in Treasury January 1, 1866,.....	\$261,383 24
Deduct amount belonging to School Funds not subject to appropriation for any other purpose,.....	81,992 53

Balance in Treas'y for general purposes, Jan. 1, 1866,	\$179,390 71
Estimated receipts for current year,-----	450,000 00

Estimated total receipts.-----	\$629,390 71
Ordinary expenses for current year,-----	190,023 33

Amount subject to extraordinary appropriation by the Legislature, -----	\$439,367 38
--	--------------

It will be seen that the Auditor has estimated the ordinary expenses of the State government for the current year at less than one-half of what they were in 1865. In this, I have no doubt, he is correct; and it may be accounted for mainly from the fact that the war having ended, many comparatively heavy expenses that were necessarily incurred during its continuance are no longer required. Nor do I think that the Auditor has over-estimated the receipts into the Treasury for the current year. Indeed I am inclined to think the amount will exceed that reported by him. During the war revenue was collected from only about one-half the counties in the State. This year it will be collected from all; and it seems to me that, if his estimate is not in fact too low, it may certainly be relied upon as a safe one.

#### TAXES ON DELINQUENT LANDS.

I invite your attention to the many valuable suggestions accompanying the Auditor's report, only two or three of which I shall notice specially:

It is apparent that some amendment is needed to the law prescribing the mode of enforcing the payment of taxes on real estate. As it now stands the payment of taxes on unimproved lands belonging to non-residents cannot be enforced, except that once in five years the lands may be sold for the delinquent taxes; while our own citizens may be compelled to pay their taxes regularly. Many non-resident land owners avail themselves of the provisions of the present law, and the State is thus, in many cases, for years deprived of the use of revenue that should be paid into the Treasury annually. In addition to considerations connected directly with the revenue, these non-resident landholders are, by the present law, favored in holding on to their lands in an uncultivated condition; and thus very greatly retard the improvement and prosperity of our State. I recommend that the law be so amended as to require a sale of delinquent lands once in two years, with a limitation of redemption to one year after the sale.

#### RE-ASSESSMENT OF LANDS.

There has been no assessment of the real property within this State since 1856. Taxes are being collected on a valuation made ten years ago. Great changes have taken place in the value of real estate generally within that time, and many cases of inequality of taxation exist. The propriety of a re-assessment, as suggested by the Auditor, appears to me so obvious that I deem it unnecessary to add any thing further to what he has so appropriately said on the subject.

## THE FISCAL YEAR.

I endorse the suggestion of the Auditor that the law of the last session changing the fiscal year should be repealed. Heretofore the fiscal year ended on the 30th day of September. By this law it is made to correspond with the calendar year. The Constitution provides that the legislature shall meet on the third Tuesday of January. It is required that the several officers of the State government shall make their reports of the business of the year, and submit them to the Governor, whose duty it is to lay them before the Legislature, and in the meantime to examine them in order that he may comply with that provision of the Constitution requiring him to "communicate to the legislature at each session thereof the condition of the State, and recommend to their consideration such measures as he may deem expedient." As, under the law of the last legislature, the fiscal year ends on the 31st of December, the several reports cannot be completed until after that time, and as a consequence they do not get into the hands of the Governor in time to enable him to examine them and use their contents, as he should, in preparing his message to the legislature. Everything that appears in this communication, as based upon those reports, is taken from loose sheets and memoranda kindly furnished me in advance by the several officers. My opinion is that the legislature should not hesitate to repeal the late law and restore the fiscal year as it was before the change was made.

## THE DEBT OF VIRGINIA.

The constitution of our State, Art. viii, sec. 8, provides that "An equitable proportion of the public debt of the Commonwealth of Virginia, prior to the 1st day of January, 1861, shall be assumed by this State; and the legislature shall ascertain the same as soon as practicable, and provide for the liquidation thereof by a sinking fund sufficient to pay the accruing interest, and redeem the principal within thirty-four years." The execution of this provision of the Constitution has heretofore been impracticable on account of the existence of the War, but now that peace is happily restored, there is no reason, as there is no desire on our part, for further delay; and it devolves on you to take action with a view to an early and satisfactory settlement of all financial matters between the two States. I, therefore, recommend that you appoint, or provide for appointing, commissioners on behalf of this State to meet like commissioners from Virginia, for the purpose of making the contemplated settlement; and in the event that they fail to conclude an adjustment, that you authorize the selection of an umpire whose decision shall be final. And it may be well to provide for notifying the Executive of Virginia of your action, in order that he may lay the same before the legislature of that State for their consideration.

## THE OHIO RIVER BED.

It is represented to me that there are extensive veins of the finest coal for manufacturing purposes under the bed of the Ohio river for a considerable distance within this State, and that persons have



sunk shafts at several points on the bank of the river, and are mining the coal and disposing of it for their own private profit. If there is coal under the bed of the river as represented—and I am inclined to believe there is—it is the property of this State, and may be made a source of considerable revenue. I suggest that an enquiry be instituted for the purpose of ascertaining the truth in regard to this matter, and if it be found as represented, that the legislature provide for the sale of the coal, under the supervision of the circuit courts of the counties within which it lies, and for the payment of the proceeds thereof into the Treasury.

MILITARY—REPORT OF THE ADJUTANT-GENERAL.

From the report of the Adjutant-General it may be seen that this State furnished 31,884 troops to the United States service during the war, nearly all of whom were three years men. It may also be seen that the bounties paid to troops by the organized counties of the State amount in the aggregate to near \$2,000,000. The precise sum is not yet ascertained. This, it may be remarked, was paid to those who enlisted in the latter years of the war. The earlier recruits receiving no such bounty, and very little from any quarter, but it is expected that Congress, during the present session, will in a measure repair this apparent injustice. When we take into consideration the facts that parts of the State were within the rebel lines during the whole war; that at no time had we civil organization in more than two-thirds of the counties; and that many of these were subject to frequent and ruinous rebel raids, and the worst form of guerilla warfare, it is a matter of no little credit to the energy and patriotism of our people that the State has supplied so many men to the loyal cause. And while we rejoice that we were able thus to contribute to the strength of the army and the happy conclusion of the war, it is due to the soldiers themselves that we make public acknowledgment of the high character for bravery and soldierly bearing which they at all times displayed in the field. They have won imperishable laurels for themselves, and have done great honor to the name of their State.

As soon as it became evident that active hostilities had ceased I made every possible effort to have our troops mustered out of service, and was so far successful that from the 10th of June to the 11th of August, all were discharged and sent home, except the Sixth Cavalry. This regiment, with troops from other States, was ordered west of the Mississippi, and although I have made use of all reasonable means to procure its muster out, they have been unavailing. It is not my purpose, however, to complain of the War Department on this subject, as I feel assured that the services of the volunteer troops thus retained were required and they were legally retained—some in the South and some in the West—until the condition of the Southern States became such that the regular army would be sufficient for all military purposes throughout the country. The discharge of this, our last regiment in the service, is confidently looked for at an early day.

The report of the Adjutant-General is a document of great interest to all the loyal people of the State, and especially is it so to



the soldiers who are living and the friends of those that are dead. This report, in connection with the one made by the same officer a year ago, would constitute a complete history of every West Virginia regiment, and of every officer and private who served in all our regiments from the time he entered the service until his term ended by death, discharge, dismissal or resignation, were it not for the fact, before mentioned, that the Sixth Cavalry has not yet been mustered out, it is expected however that this regiment will be mustered out before the report is printed, and, in that event, its history may be incorporated, and thus complete a work of much practical importance, and at the same time show a military record which will be the pride of every loyal citizen of West Virginia.

#### ORGANIZATION OF MILITIA.

In addition to the facts and figures, and historical matters appearing in this report, it contains many valuable suggestions to which I invite your careful attention. Especially would I call your attention to the plan proposed by the Adjutant-General for organizing the militia. This has hitherto been a vexed question, but his plan relieves the subject of many objections made against former methods of organization. It appears to me to be the most feasible and practical mode that has been submitted for making the militia speedily effective when needed, while it does not require the rank and file to drill or leave their homes at all, except when called into active service, and thus saves them much time that is wasted and the many annoyances to which they are subjected in the enforcement of the existing law. As it seems that some organization is deemed indispensable, I commend the one here proposed as worthy of your consideration.

#### REPORT OF QUARTERMASTER GENERAL.

The Quartermaster General's report shows the transactions of his office. In addition to his regular duties I have committed to this officer the responsibility of paying the companies of State Scouts and Guards that have been organized from time to time during the war for the protection of the border; and it may be seen from his Report that he has paid out for this purpose, since the organization of the State, the sum of \$213,988 42. It will also be seen that in pursuance of an act passed February 27, 1865, and by my direction, he has paid to the militia of Upshur county, who were captured and carried off to Southern prisons in 1863, the sum of \$6,950 85. These sums added make an aggregate of \$220,939 27, which has been expended as a matter of necessity in the efforts to protect the loyal people in the border counties. The State troops who were thus paid, supplied the places of an equal number of United States troops, who otherwise would have been required for the same service, and, therefore, in my judgment, the money so paid out constitutes a just claim against the government of the United States. I have caused the evidence of these payments to be prepared in proper and convenient form; and as it is expected that application will be made to Congress for the re-imbursement of claims of this character, I recommend that, if, after due investigation, you concur with me, you adopt resolutions setting forth the

justice of the claim and requesting Congress to provide for its payment.

#### MILITIA CLAIMS.

The board of Claims, consisting of the Auditor, Adjutant-General and Quartermaster General, constituted by an act passed February 25, 1865, have made their report, which is herewith communicated. It may be seen that the Board have reported in favor of the justice of claims amounting in the aggregate to \$148,399 99, all of which have grown out of the military transactions within the State during the war. The report is submitted for your consideration. If you shall be of the opinion that these claims should be paid, provision should be made therefor.

#### FREE SCHOOLS.

The report of the State Superintendent of Free Schools will be found among the documents herewith communicated. Its completion was unavoidably delayed to so late an hour that I have had little time for its examination. Allow me, however, to call your attention to that part of the report in which the necessity for normal schools is discussed. The want of competent teachers is seriously felt throughout the State, and is one of the greatest difficulties in the way of putting into successful operation our free school system, and indeed of keeping up primary schools of any character whatever. Normal schools may be made the means of relieving us of this difficulty by affording special facilities to those who desire to teach, of preparing themselves for the arduous and important duties of their vocation. Without referring further to this report, I invoke the fostering care of the Legislature over that of which it treats, and which may be made the great power for the elevation of the masses—the free Schools of our State.

#### IMMIGRATION.

The report of the Commissioner of Immigration is herewith transmitted. It is an able and interesting document, and discusses most thoroughly the subject of immigration and the great benefit that must result to the State from its proper encouragement. It also contains important suggestions which I trust will be duly considered, and responded to by the Legislature. We cannot hope for the development of the resources and capacities of our State until we secure the influx of additional population and capital. This can be accomplished by making known through intelligent and energetic agents the inducements there are to come here, and by giving assurances of a fair return for labor and capital expended. If we fail to take proper action, immigrants will pass us by and go to states that have adopted a more liberal and enlightened policy.

The office of the Commissioner without reasonable compensation, as is the case under existing law, will not effect much. The competent incumbent of the office has done all that he could do with the meagre means at his command to induce immigration into our State, but he has been able to do little more than to lay the foundation for future action; and unless his efforts are seconded by the Legislature, what he has done may go for naught. It may be seen from

his report that he has expended considerable of his own means, and has incurred other obligations. I think that the Legislature should not only provide for these expenditures and obligations, but should make such provision for the future as will make the office effective for the purpose of its creation, or should abolish it altogether.

#### UNIVERSAL EXHIBITION AT PARIS.

In connection with this subject, it is proper that I should mention the Universal Exhibition to be opened at Paris, France, in April, 1867, which is referred to at considerable length in the report of the Commissioner. This State is invited to participate in that Exhibition, and it is urged that, if the mineral, agricultural, manufactural, and other productions of West Virginia, were placed in the hands of a proper representative for exhibition on that occasion, this would tend to promote immigration to the State. I submit the matter for your consideration.

#### HOSPITAL FOR THE INSANE.

The report of the Directors of the Hospital for the Insane, at Weston, with the accompanying documents, is herewith submitted. It will be seen that the small portion of the building that is finished for the reception of patients, is crowded to its utmost capacity, and that numerous applications for admission have been rejected. The great number of the afflicted class of community, for whose relief this institution was intended and who are excluded from its benefits for want of sufficient accommodations, are not only entitled to our sympathy, but demand at our hands the completion of the building at the earliest possible period. I most earnestly renew the recommendation made to former sessions of the legislature that a liberal appropriation be made for this purpose.

#### LUNATICS AT STAUNTON.

In connection with this subject it is proper that I should bring to your notice the fact that I have received a communication from His Excellency F. H. Peirpoint, Governor of Virginia, saying that he had been informed by the board of visitors of the Lunatic Asylum at Staunton, that there are near one hundred patients in that institution from West Virginia, and that it was desired that our State should make provision for their support. This, it may be remarked, is an additional fact in proof of the necessity of an early completion of the Hospital at Weston. Meantime, however, it is necessary that the number of the patients at Staunton be ascertained, and that you provide the means for supporting them.

#### AGRICULTURAL COLLEGE.

The legislature of this State in accepting the benefits of the act of Congress of July 2, 1862, donating lands to States that should provide colleges for the benefit of agriculture and the mechanic arts, also accepted the conditions contained in that act. One of the express conditions contained both in the act of Congress and our act of acceptance, of October 3, 1863, is that this State shall, within five years from the second day of July, 1862, provide one

college as therein described, "or the grant shall cease, and the State shall be bound to pay to the United States the amount received."

Another condition of both the donation and acceptance is, that no portion of the fund shall be applied to the purchase, erection, preservation or repair of any building or buildings. But it is provided that ten per centum of the amount received by the State may be expended for the purchase of land for sites or experimental farms, whenever authorized by the legislature.

I have not received an exact report from the agent employed to make sale of the scrip received by the State, and, therefore, cannot state the precise sum for which it has been sold, but the legislature may rely and safely act on the assurance that the receipts will amount to over seventy-five thousand dollars.

The five years within which the State is required to provide the college are rapidly passing away, and will expire on the 2d of July, 1867, and it must be apparent that if this session of the legislature is allowed to pass without taking the necessary steps to provide the contemplated college, it will be impossible, within the time thereafter remaining, to comply with the conditions of the donation; the donation itself will be absolutely forfeited, and it will be left for the next legislature simply to direct the return of the proceeds of the sale of the scrip to the United States.

As the law of Congress prohibits the use of any portion of the fund arising from the sale of the scrip, for defraying the expenses of the sale, the legislature in the act of 1863 made an appropriation for that purpose, but this provision of that act has been inadvertently superseded by subsequent legislation, and it therefore becomes necessary to renew the appropriation.

#### STATE STOCKS IN BANKS.

All the banks of the State have availed themselves of the provisions of the act of the Legislature passed February 17, 1865, and have become banking associations under the laws of the United States. The State had stock in the North-Western Bank of Virginia, the precise amount of which cannot be ascertained until there is a settlement between this State and the State of Virginia. This bank and its two branches have become three independent national banks, to-wit: The National Bank of West Virginia, in the city of Wheeling; The Parkersburg National Bank at Parkersburg; and the First National Bank of Wellsburg, at Wellsburg. And so much of the stock owned by different departments of the State government in the North-Western Bank of Virginia as has been converted into stock in these national banks is distributed and stands as follows: Three hundred shares in the name of the State proper in the National Bank of West Virginia; one hundred and fifty shares in name of the State and two hundred and fifty shares in the name of the Literary Fund in the Parkersburg National Bank; and one hundred and eighty-eight shares in the name of the State, and one hundred and sixty-three shares in the name of the Internal Improvement Fund in the First National



Bank of Wellsburg. The State in its different departments still owns stock in the North-Western Bank, the value of which will be paid over as the bank, which is in process of liquidation, is ready to make distribution among the stockholders. The State is the owner of five hundred shares of stock in the First National Bank of Fairmont, which stands in the name of the Literary Fund. The branch of the Exchange Bank of Virginia, at Weston, has been converted into the National Exchange Bank of Weston, in which the State is also a stockholder, but to what amount is not known precisely, nor will it be known until there is a settlement between this State and the state of Virginia.

This subject needs legislation. It will be seen that the stock in several of these banks stands in the names of funds or departments unknown to our State organization. An act should be passed transferring this stock to the appropriate departments of our organization; or, as this affords an opportunity for fostering the free schools of our State without taxing the people, I would recommend that all the stocks referred to, and the amount that may arise from the closing up of the North-Western Bank of Virginia, be transferred to and made a part of the "Free School Fund."

#### "BANK OF VIRGINIA" AT CHARLESTON.

As contemplated by the resolutions "Respecting the Branch of the Bank of Virginia, at Charleston," adopted by the last legislature, I appointed John List, Esq., of this city, "to examine and report what interest this State had therein, the nature and condition of its assets, and the measures necessary to protect the interest of the State in relation thereto." That gentleman made the examination required, and took full notes to enable him to prepare a report, but before he had completed it he was overtaken by an accident which resulted in his death, and as a consequence the report was not made. In the meantime, however, he had exhibited to me his memoranda and explained to me the condition of the Bank, which induced me to concur with him in the belief that the assets would pay to depositors and other creditors of a like grade a very small per centum on the debts due them, and that the stock—as the holder of a part of which the State was alone directly interested—was absolutely worth nothing. Being satisfied that the State had no interest therein to protect, I instituted no suit, and took no further action in the matter.

#### GETTYSBURG CEMETERY.

I communicate herewith the annual report of Hon. C. D. Hubbard, the Representative of this State in the board of commissioners of the Soldier's National Cemetery at Gettysburg; from which it may be seen that the work of enclosing and beautifying the Cemetery, and the erection of a fitting monument to the memory of the brave men who sleep there is progressing satisfactorily.

#### PROPOSED CEMETERY AT ANTIETAM.

I have received a communication from His Excellency, the Governor of Maryland, enclosing a copy of an act of the legislature of



that State, incorporating a board of trustees, under the name of the "Antietam National Cemetery," to whom shall be conveyed in trust a lot of ground on or near the battle field of Antietam "for the purpose of the burial and final resting place of the soldiers who fell at the battle of Antietam," &c., and inviting our State, if so disposed, to unite in that proceeding.

I have also received a report of the trustees appointed on behalf of the state of Maryland, containing a list of the names of the soldiers who fell, and were buried as they fell, on the battleground, and whose remains have not been removed; from which it appears that twenty-two of the brave men of West Virginia are still lying there as they were first buried, apparently neglected and uncared for. It is for you to say whether this neglect shall longer continue; or shall we, in an appropriate manner, manifest that respect for these gallant dead which their noble sacrifice so justly demands at our hands?

#### STATUE OF WASHINGTON.

It will be recollected that on the return of Major General Hunter from his campaign into Virginia, in the summer of 1864, he turned over to this State a bronze statue of George Washington, taken from the Virginia Military Institute at Lexington. I have recently received a communication from the Adjutant General of Virginia, who is, *ex-officio*, a member of the board of visitors of the Institute, requesting the restoration of the statue; but inasmuch as it was originally transferred to the keeping of the State, I declined to take the responsibility of allowing its removal. Yet I have no hesitation in saying that in my opinion it should be at once restored, and in recommending that you authorize it to be done.

#### PUBLIC WORKS.

The turnpike roads in the State require legislation. All those owned by the State, or in which it is a stockholder, are more or less out of repair. Many important bridges were destroyed by the armies, or were allowed to wear out and go to pieces during the war, and as a consequence it is almost impossible to travel by any of the ordinary modes, in many portions of the State. Heretofore the legislature has taken no action on this subject, because of the existence of the war; but now that hostilities have ceased, and the people have returned to their usual vocations, we must restore the facilities for trade and travel—for ingress and egress—before we may expect a renewed prosperity of the State. The Board of Public Works have had no means at their command for this purpose, and therefore could do nothing. It remains for you to determine whether this shall be accomplished by the appropriation of money from the Treasury, or by some other method which your better judgment may suggest.

#### JAMES RIVER AND KANAWHA CANAL.

In October last, I received a communication from Thomas H. Ellis, Esq., of Richmond, Va., president of the James River and Kanawha Company, enclosing me a pamphlet containing "An Act

to incorporate the Virginia Canal Company, and to transfer the rights and franchises of the James River and Kanawha Company thereto," passed by the General Assembly of Virginia, March 29, 1861. The pamphlet also contains a statement of Mr. Ellis, from which it appears that in 1860 an executory agreement was entered into between Messrs. Bellot des Miniers, Brothers and Company, of France, of the one part, and the James River and Kanawha Company, of the other part, the object of which was, not only to transfer the rights and franchises of the last named company, but to bind the French company to complete the water line or canal between the waters of the Chesapeake Bay and the Ohio River; and the act of March 29, 1861, was passed for the purpose of giving the consent of the commonwealth of Virginia to the agreement, and of conferring on the French company corporate powers to enable them to perform their part of the same.

The French company failed, on account of the war, probably, to comply with their charter, and it is therefore regarded as forfeited, and as requiring further action for its revival on the part of the legislature of Virginia, and also of the legislature of West Virginia.

I submit the communication of Mr. Ellis, with the accompanying document, for your consideration. If capitalists are willing to construct through our State a work of the magnitude and importance of the one contemplated, it seems to me that they should be granted the most liberal legislation to enable them to do so, guarding the same, however, by such provisions as may be deemed necessary for the protection of the interests of the State and its citizens.

#### COVINGTON AND OHIO RAILROAD.

On the 26th of October, last, I received a communication from Williams C. Wickham, Esq., president of the Virginia Central Railroad Company, on the subject of the completion of the Covington and Ohio Railroad through our State, either as an independent enterprise, or in conjunction with the Virginia Central; and suggesting that the co-operation of this State was necessary to the accomplishment of the work, and that action by the legislature might become desirable for the purpose. It is probable that such action will be asked for at the present session. If so, I trust that the application will receive your favorable attention.

#### PERMANENT CAPITOL.

It may be proper for me to state that the lease on the building now occupied as the State capitol expires in 1868. With this statement I submit the question of the propriety of early action with a view to a permanent location of the Capitol without making any recommendation whatever on the subject.

#### PENITENTIARY.

In every message since the organization of the State, I have recommended the construction of a penitentiary in which suitable arrangements should be made for the profitable working of the convicts, as well as for their safe keeping. I now most respectfully but earnestly renew the recommendation. Crime seems to be rapidly

increasing, yet there is not a prison in the State where convicts can be "safely kept," as the law prescribes. The jail of Ohio county is much more secure and its capacity is much greater than any other in the State, and, as authorized by law, I have selected it as the principal prison for the confinement of convicts. But there is no room in it for working them. It must be recollected also that many of those convicts are old offenders, who have learned how to break jail as well as to rob and steal, and it is almost impossible to prevent their escape from any county jail. My information is that the keeper of the Ohio county jail is well qualified for his position, and is entirely honest in the discharge of his duties, yet within the past year nine convicts have escaped, none of whom have been re-captured. I think that provision should at once be made for the location and construction of a penitentiary.

#### PARDONS GRANTED.

In accordance with a provision of the constitution, I communicate herewith a list of pardons granted during the past year, with the particulars of the several cases and my reasons for granting the same.

#### CONCLUSION.

In conclusion, gentlemen, I may remark that you have arduous and important work before you. There are many subjects of great interest requiring legislation upon which it was not deemed advisable for your predecessors to take action because during the War some portions of the State could not be fairly represented, and might have considered their interests prejudiced by such action in the absence of their due representation. Legislation on other subjects was omitted because it could not have been made effective during the War. But these grounds of delay have been removed, and now no reason exists why you should not take action on all legitimate subjects of legislation. All portions of the State may be represented, and all needful and properly guarded enactments may be made effective throughout the State. I feel assured, therefore, that, however great the responsibility, and arduous and delicate the task devolving on you, it will be performed with a view to the interests, progress and prosperity of all portions of our State, and with the purpose and an ardent desire on your part that it may redound to the good of the whole country.

ARTHUR I. BOREMAN,

Mr. Burdett offered the following resolutions, which were adopted:

*Resolved*, by the Legislature, that five thousand copies of the Governor's message be printed for the use of the Legislature.

*Resolved*, by the Legislature, that the documents accompanying the Governor's message be referred to a special committee of five, three to be appointed for the House, and two for the Senate, to report what portions of the said documents, and the number of each should be printed for the use of the two Houses.

The President appointed under the second resolution, Messrs. Peck and Mahon.

On motion of Mr. Hawkins,

*Resolved*, That when the Senate adjourn to-day, it will adjourn to meet to-morrow morning at 10 o'clock, and thereafter, at the same hour, until otherwise ordered.

On motion of Mr. Hawkins,

*Resolved*, That Edwin W. S. Moore, be appointed Assistant Clerk, and that he be allowed four dollars per day.

On motion of Mr. Maxwell, the rules for the government of the Senate, in force during the last session, were adopted for the government of this Senate, until otherwise ordered.

The Senate then adjourned.

---

WEDNESDAY, JANUARY 17, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by Rev. T. B. Taylor, of the M. E. Church.

The officers elected, except Mr. Mahon, who is absent, having been qualified, entered upon the discharge of their duties.

Mr. Burdett presented the petition and papers of Mr. A. Werninger, the contestant for the seat of Mr. Haymond, which was referred to the Committee on Privileges and Elections.

Mr. Slack presented papers of Mr. Robert Hagar, relating to his contest for the seat of Mr. Cook, which were referred to the same Committee.

The President reported the following Standing Committees :

*On Privileges and Elections*—Messrs. Slack, Burdett, Chambers, Mahon and Peck.

*On the Judiciary*—Messrs. Maxwell, Peck, Chapline, Burley and Slack.

*On Finance and Claims*—Messrs. Peck, Burdett, Hawkins, Chapline and Kitchen.

*On Banks and Corporations*—Messrs. Chapline, Haymond, Burley, O'Brien and Wright.

*On Township and County Organization and Municipal Corporations*—Messrs. Mahon, Price, Peck, Corley and O'Brien.

*On Military Affairs*—Messrs. Duval, Corley and Burdett.

*On Internal Improvements and Navigation*—Messrs. Burley, Price, Slack, Hawkins and Kitchen.

*On Education*—Messrs. Dix, Chapline and Maxwell.

*On Humane and Criminal Institutions*—Messrs. Slack, Dix, Chambers, Maxwell and Duval.

*On Enrolled Bills*—Messrs. Price, Duval and Kitchen.



*On the Library*—Messrs. Wright, O'Brien and Dix.

*On Executive Expenditures*—Messrs. Burdett, Burley and Slack.

*To Examine Auditor's Office, Treasurer's Accounts, and Bonds of Public Officers*—Messrs. Wright, Chapline and Maxwell.

*To Examine the Clerk's Office*—Messrs. Hawkins, Corley and O'Brien.

Mr. Wright appeared in his seat.

Mr. Duval presented the petition of numerous citizens of Brooke County, praying an amendment of the 3d Section of the 102d chapter of the code of 1860, which was read and referred to the Committee on the Judiciary.

Mr. Burley presented the petition of Samuel Crane, late Auditor of this State, praying the payment of his salary from the 4th day of March, 1863, until the 20th day of June, 1863, which was referred to the Committee on Finance and Claims.

On motion of Mr. Burdett,

*Resolved*, That the Committee on Internal Improvements and Navigation, inquire into the expediency of appropriating money to repair the North-Western Turnpike.

On motion of Mr. Corley,

*Resolved*, That the Committee on Internal Improvements and Navigation, inquire into the expediency of appropriating \$50,000, to the Western and Gauley Bridge Turnpike Company, for the purpose of repairing said road and McAdamizing certain portions thereof.

On motion of Mr. Maxwell,

*Resolved*, That so much of the Governor's message as relates to the report of the Adjutant General, the organization of the militia, the report of the Quartermaster General, Militia Claims, Gettysburg Cemetery, proposed Cemetery at Antietam, and the Statue of Washington, be referred to the Committee on Military Affairs.

On motion of Mr. Peck,

*Resolved*, That the President of the Senate be authorized to invite the various clergymen of the city of Wheeling, and others, to open the Senate each morning of its session, with prayer.

On motion of Mr. Burdett,

*Resolved*, That so much of the Governor's message as relates to the question of the donation of land by the General Government, for the purpose of an Agricultural College, and so much thereof as relates to Free Schools, be referred to the Committee on Education.

On motion of Mr. Maxwell,

*Resolved*, That so much of the Governor's message as relates to the Hospital for the Insane, at Weston, and lunatics from the State of West Virginia, confined at Staunton, be referred to the Committee on Humane and Criminal Institutions.



Mr. Chapline, by leave, introduced Senate Bill No. 1, entitled "A Bill to explain and amend an act passed November 16, 1863, entitled 'An act to amend and re-enact the first section of an act entitled An act concerning oaths and affirmations, passed June 26th, 1863,'" and Senate Bill No. 2, entitled "A Bill to prevent and punish the forcible or unlawful obstruction of public justice," which were each read the first time, and referred to the Committee on the Judiciary.

A communication from the House of Delegates, by Mr. Smith, of Berkeley, announced the adoption of the following preamble and resolutions, and asked concurrence :

"WHEREAS, on the 31st day of January, 1863, the Legislature of the State of Virginia passed a law, giving the consent of said State to the county of Berkeley becoming part of the State of West Virginia, and authorizing a vote to be taken in said county on the 4th Thursday of May, 1863, upon the question of annexing said county to the State of West Virginia; and whereas, on the 4th day of February, A. D., 1863, a like law was passed by the Legislature of the State of Virginia authorizing the people of Jefferson county on the same day to take a vote upon annexing said county of Jefferson to the State of West Virginia; and whereas, on the said 4th Thursday of May, 1863, a vote was taken in each of said counties in pursuance of said laws, upon the question of annexing said counties to the State of West Virginia, and a majority of the votes cast in each of said counties was in favor of said annexation; and whereas, on the 22d day of July, A. D., 1863, His Excellency, Francis H. Peirpoint, then and still Governor of the Commonwealth of Virginia, certified to the Governor of the State of West Virginia under his hand and the less seal of said State, that from the returns and files in his office, a very large majority of the votes cast at said elections in said counties was in favor of said annexation; and whereas, on the 5th day of August, A. D., 1863, the Legislature of West Virginia passed a law accepting the transfer and annexation of said county of Berkeley to the said State of West Virginia; and whereas, on the 2d day of November, A. D., 1863, the Legislature of West Virginia passed a like law, accepting the transfer and annexation of said county of Jefferson to the State of West Virginia; and whereas, ever since the passage of these laws, the State of West Virginia and the various State, county, and township officers of said State, have continually exercised exclusive and undisputed jurisdiction, and all the acts of municipal sovereignty necessary for the good government of said counties; and whereas, it has been recently claimed and insisted that the transfer and annexation of said counties were not valid and complete until the same were ratified by Congress; and whereas, the doubts and uncertainty created by such claims and representations tend greatly to create a spirit of insubordination and disloyalty—to the laws and government of the State:—

*Therefore, Be it resolved, by the Legislature of the State of West Virginia,* That our Senators and Representatives in Congress be requested to urge the speedy passage of a bill or joint resolution by Congress, giving its consent to the annexation and transfer of said counties to the State of West Virginia, ratifying and approving the same.

*Resolved,* That the Governor be requested to furnish each of our Senators and Representatives in Congress a copy of the foregoing Resolutions.

On motion of Mr. Burdett, the said preamble and resolutions were referred to the Committee on the Judiciary.

The Senate adjourned.

---

THURSDAY, JANUARY 18, 1866.

The Senate met at 10 o'clock, and was opened with prayer by Rev. T. H. Monroe, of the M. E. Church.

The journal was read and approved.

The following message was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES. }  
Wheeling, January 17, 1866. }

The House has this day concurred in the Senate joint resolution providing for the printing of the Governor's message.

It has also concurred in the Senate joint resolution appointing a committee on the printing of the documents accompanying the Governor's message, and appointed thereon Messrs. Hornbrook, Camden and Stidger.

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Mr. Slack, from the Committee on Privileges and Elections, submitted a report in the contested election case of Robert Hagar, against John Cook, in the 8th Senatorial District, to the effect that Robert Hagar received a decided majority of the votes legally cast in said district, and recommending that said Hagar be admitted to a seat in this body in place of said Cook, who was returned elected.

On motion of Mr. Dix, said report was received and adopted.

Mr. Hagar appeared, was duly qualified, and took his seat.

Mr. Maxwell, from the Committee on the Judiciary, reported back the House joint resolutions in relation to the counties of Berkeley and Jefferson, recommending that they be adopted, which was agreed to.

Mr. Burdett, from the Committee on Finance and Claims, reported adversely upon the petition of Samuel Crane, late Auditor, claiming compensation from March 4, 1863, until June 20, 1863; but on motion of Mr. Burley, said petition and report were re-committed.

Mr. Peck, by leave, introduced Senate Bill No. 3, entitled "A Bill amending section 44, chapter 100, of the acts of 1863," which was read the first time and referred to the Committee on the Judiciary.

Mr. Chapline, by leave, introduced Senate Bill No. 4, entitled "A Bill to amend an act passed March 1, 1865, entitled 'An act in relation to the Statutes of Limitation,'" and Senate Bill No. 5, entitled "A Bill to authorize the Board of Supervisors to appoint a Surveyor of Roads for each precinct in any county," each of which bills were read the first time, and the first referred to the Committee on the Judiciary and the second to the Committee on Internal Improvements and Navigation.

Mr. Peck presented the petition of Elijah Day, one of the Assessors of Ohio county, and twenty-two other Assessors in this State, praying an increase of the compensation of Assessors, which were referred to the Committee on Finance and Claims.

On motion of Mr. Slack,

*Resolved*, That so much of the Governor's message as refers to the subject of the re-assessment of the lands of this State, be referred to the Committee on Finance and Claims.

On motion of Mr. Hagar,

*Resolved*, That the Committee on the Judiciary inquire into the expediency of reporting a bill making all land patents legal which were issued before January 1, 1856, and that peaceable possession for six years shall be a good title in law.

On motion of Mr. Burdett,

*Resolved*, That the Committee on Internal Improvements and Navigation inquire into the expediency of appropriating a sum of money to aid in the construction of a road from the town of Flemington in the county of Taylor, to a point near Maxwell's mill, connecting with the road to Buckhannon in Upshur county.

On motion of Mr. Hagar,

*Resolved*, That the Committee on the Judiciary inquire into the expediency of reporting a bill providing that where persons have been elected to either branch of the Legislature who cannot take the oath required by law, either House may appoint a person to fill such vacancy until the next annual election.

Mr. Chapline offered the following, which lies over, under the rules:

WHEREAS, the most merciful policy and proclamations of the President of the United States in regard to rebels late in arms against the Government, instead of awakening a proper sense of gratitude upon their part and producing due deference and submission to the established laws of West Virginia, have resulted in many instances in open opposition to and defiance of the same and in a systematized attempt throughout the State to take possession

of the ballot box and to prevent the organization of the government and the establishment of civil law, except upon rebel terms and the admission of rebels into office :—

*Therefore, Resolved, by the Legislature of the State of West Virginia,* That it is inexpedient at this time, to modify or repeal any of the existing laws, restrictions or disqualifications in this State in regard to persons who participated in the late rebellion.

The Senate adjourned.

---

FRIDAY, JANUARY 19, 1866.

The Senate met at 10 o'clock, A. M., and was opened with prayer by Rev. Mr. Dix, member of the Senate.

The journal of yesterday was read and approved.

Mr. Slack, from the Committee on Privileges and Elections, submitted a report in the contested election case of A. Werninger, against Daniel Haymond, in the 4th district, stating "that although the poll at Pennsboro, in Ritchie county, (which secures to Mr. Haymond, a majority in the district,) does not appear to have been properly certified, (although we believe it was taken in good faith,) the fact is that Mr. Werninger failed to give Mr. Haymond notice of his purpose to contest his seat, within the time prescribed by law. It is therefore, the opinion of the Committee that Daniel Haymond is legally entitled to a seat in this body."

The report was received and adopted.

Mr. Maxwell, from the Committee on the Judiciary, reported Senate Bill No. 6, entitled "A Bill to amend and re-enact sections 3 and 4 of chapter 102 of the Code of Virginia, second edition," which was read the first time.

Mr. Maxwell, from the same Committee, reported adversely upon the resolution of Mr. Hagar, referred yesterday, upon the subject of filling vacancies in the Legislature.

The report was adopted.

Mr. Burdett, from the Committee on Finance and Claims, again reported adversely upon the petition of Samuel Crane, late Auditor, which was re-committed to that Committee yesterday. The report also recommends that leave be granted the petitioner to withdraw his petition.

The report was adopted.

Mr. Burdett presented the petition of citizens of Taylor and Barbour county, asking for the appropriation of \$10,000 for the purpose of constructing a road from Flemington in Taylor county, to Maxwell's mill in Barbour county, which was read and referred to the Committee on Internal Improvements and Navigation.



Mr. Kitchen, by leave, introduced Senate Bill No. 7, entitled "A Bill to authorize the sale of a lot in or near the town of Martinsburg," which was read the first time, and referred to the Committee on the Judiciary.

On motion of Mr. Chapline, the Senate took up and adopted the joint resolution offered by him yesterday, in relation to the laws which affect disloyal persons.

Mr. Price presented the petitions of a large number of the citizens of Monongalia county, asking that the State Agricultural College be located at or near Morgantown, accompanied by a resolution of the Board of Trustees of the Monongalia Academy, proposing to make a donation of real and personal property valued at \$57,000, to said college, on condition that the same be located at or near said town.

All the said papers were referred to the Committee on Education.

On motion of Mr. Corley,

*Resolved*, That the Committee on Internal Improvements and Navigation inquire into the expediency of appropriating \$6,000—to rebuild two bridges—one across the Buckhannon river at Upshur Court House, and the other across the Valley river at Randolph Court House, on the Staunton and Parkersburg Turnpike road, and report by bill or otherwise.

On motion of Mr. O'Brien,

*Resolved*, That the Committee on Counties, Townships and Municipal Corporations, take into consideration the expediency of abolishing County and Township Treasurers and report by bill or otherwise.

On motion of Mr. O'Brien,

*Resolved*, That the Committee on Education inquire into the expediency of so amending the laws on education as to make additional provisions for the payment of school teachers, after the State funds are exhausted and report by bill or otherwise.

On motion of Mr. Hagar,

*Resolved*, That the Committee on the Judiciary inquire into the expediency of reporting by bill or otherwise, compelling all persons to keep their property on their own premises.

On motion of Mr. Chambers,

*Resolved*. That the Committee on Internal Improvements and Navigation inquire into the expediency of appropriating the sum of \$25,000 for the purpose of putting in good repair the Giles, Fayette and Kanawha Turnpike road, from Charleston in Kanawha county, to Peterstown in Monroe county, that being the southern boundary of the State of West Virginia.

On motion of Mr. Peck,

*Resolved*, That the Committee on Humane and Criminal Institutions take into consideration the propriety of providing a House of Refuge for the State of West Virginia.

The Senate adjourned.



SATURDAY, JANUARY 20, 1866.

The Senate met at 10 o'clock, A. M., and was opened with prayer by Rev. W. R. White.

The journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
Wheeling, January 19, 1866. }

The House has this day adopted the following joint resolutions, in which it respectfully asks concurrence:

*Resolved, by the Legislature of West Virginia,* That the Governor be authorized to employ an agent who shall proceed immediately to Staunton and Williamsburg, Virginia, for the purpose of ascertaining the number of insane persons in the Asylums at each of those places, who were sent from within this State; the amount claimed at each institution for their support to the 1st of January, 1866; and the terms on which they can remain in those institutions for the current year, and that he make a report to the Governor, to be laid before the Legislature.

*Resolved, by the Legislature of West Virginia,* That the two branches will proceed on Tuesday the 23d inst., at eleven o'clock, A. M., to elect a public printer.

WM. P. HUBBARD,  
*Clerk House of Delegates.*

The first of said resolutions was referred to the Committee on Humane and Criminal Institutions, and the second was adopted.

Mr. Slack, from the Committee on Privileges and Elections, submitted the following report, which was adopted:

"The following persons are duly elected from their respective districts and are entitled to mileage for traveling the following distances in coming to, and the same in returning from the Capitol:

1st District,	I. H. Duval,	16 miles.
2d	" James Burley,	12 "
3d	" J. S. Burdett,	100 "
4th	" D. Haymond,	166 "
5th	" E. S. Mahon,	242 "
6th	" E. J. O'Brien,	125 "
7th	" D. H. K. Dix,	321 "
8th	" Robert Hagar,	392 "
9th	" Vacancy.	
10th	" J. A. Chapline,	306 "

OLD MEMBERS.

1st District,	Daniel Peck,	00 miles.
2d	" Aaron Hawkins,	77 "

3d District,	William Price,	-----	96 miles.
4th     "	Edwin Maxwell,	-----	150     "
5th     "	W. E. Stevenson,	-----	203     "
6th     "	J. M. Corley,	-----	177     "
7th     "	G. Slack,	-----	346     "
8th     "	E. D. Wright,	-----	330     "
9th     "	W. F. Chambers,	-----	460     "
10th    "	B. M. Kitchen,	-----	294     "

Mr. Burdett, from the Committee on Finance and Claims, reported Senate Bill No. 8, entitled "A Bill amending section 94, chapter 118, of the acts of 1863," which was read the first time.

Mr. Duval, from the Committee on Military Affairs, reported the following joint resolution, which lies over under the rules :

*Resolved, by the Legislature of West Virginia,* That His Excellency, A. I. Boreman, be and is hereby authorized to turn over to the State of Virginia, or its legally authorized agent, the bronze statue of George Washington, formerly belonging to the State of Virginia.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported adversely upon the resolution proposing to appropriate \$50,000 to the Western and Gauley Bridge Turnpike Company ; and Mr. Burley also reported adversely upon the resolution proposing to appropriate money to construct a road from Flemington to Maxwell's mill.

The report in the first case was adopted, and in the second, the report and resolution were laid on the table.

On motion of Mr. Mahon,

*Resolved,* That all that part of the Governor's message having reference to the colored people of this State, be referred to the Committee on the Judiciary.

On motion of Mr. Hagar,

*Resolved,* That the Committee on Internal Improvements and Navigation inquire into the expediency of appropriating five thousand dollars to build a bridge across Big Cole River, on the State road, at or near Peytona in Boone County, and report by bill or otherwise.

On motion of Mr. Hagar,

*Resolved,* That the Committee on Finance and Claims inquire into the expediency of releasing the property of soldiers who have died in the service of the United State, or have served out their time of enlistment, or have been honorably discharged from the same, from the tax of 1861, '62, '63 and '64 ; also, the property of those who have been killed by the rebels, or have been carried away by them and died in prison, or returning therefrom.

On motion of Mr. Corley,

*Resolved,* That the Committee on Finance and Claims inquire into the expediency of releasing such lands from back taxes and

damages, as lie in the counties where the Collectors of the Revenue were deprived from making such collections of taxes during the war and report by bill or otherwise.

Mr. Slack offered the following resolution, which was referred to the Committee on Privileges and Elections:

WHEREAS, it is manifest to the Senate that Henry M. Mathews, of the County of Greenbrier, who received a large numerical majority of the votes of the 9th Senatorial District, for a seat in this body, became a candidate and was voted for, with a full knowledge on his part, of the fact that he was ineligible to the office of Senator, he being unable to take the oath required by law, having wilfully participated in the late rebellion:

*Be it therefor Resolved*, That the seat to which the said Mathews was elected to fill in this body, is hereby declared vacant.

On motion of Mr. Chapline,

*Resolved*, That John H. Charnock is hereby appointed Janitor for the Senate, and shall receive for his services the sum of two dollars per day, and all the other officers of the Senate, be allowed the same *per diem* that they received last session.

On motion of Mr. Chapline,

*Resolved*, That the Committee on Internal Improvements and Navigation be requested to inquire into the expediency of appropriating the sum of five thousand dollars to assist in re-building the bridge across the Potomac River, at Shepherdstown in Jefferson County.

Senate Bill No. 6, entitled "A Bill to amend and re-enact section 3d and 4th of chapter 102 of the Code of Virginia, second edition," on its second reading was taken up, and verbally amended by striking out of line 3 the word "be," and inserting in lieu thereof, the word "is;" out of line 12, the word "*in*" and inserting in lieu thereof, "*in*;" and out of line 14, the word "each," and inserting in lieu thereof, "such."

The bill was then ordered to be engrossed, and read the third time.

The Senate then adjourned.

---

MONDAY, JANUARY 22, 1866.

The Senate met at 10 o'clock, A. M., and was opened with prayer by Rev. Mr. Ball.

The journal of Saturday last was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
Wheeling, January 20, 1866. }

The House has this day passed the following joint resolution, in which it respectfully asks the concurrence of the Senate:

House Joint Resolution, No. 6, providing for restoring the Statue of George Washington to the State of Virginia :

*Resolved, by the Legislature of West Virginia,* That His Excellency, the Governor, be and is hereby authorized to turn over to the State of Virginia, or its legally authorized agent, the bronze statue of George Washington, formerly belonging to the State of Virginia.

WM. P. HUBBARD,  
*Clerk House of Delegates.*

On motion of Mr. Maxwell, said resolution was laid on the table.

Mr. Maxwell from the Committee on the Judiciary, reported adversely upon the resolution proposing to legalize all land patents issued before January 1, 1856, and making peaceable possession for six years constitute a legal title.

The report was adopted.

Mr. Peck, from the same Committee, reported Senate Bill No. 9, entitled "A Bill to legalize the execution, acknowledgment and recording of certain deeds in Monroe county," which was read the first time.

Mr. Peck, by leave, introduced Senate Bill No. 10, entitled "A Bill securing liens to mechanics, laborers, and others," which was read the first time, and referred to the Committee on the Judiciary.

Mr. Chapline introduced Senate joint resolution No. 6, as follows :

WHEREAS, a bill is now pending in the House of Representatives of the United States, entitled "A bill granting lands to the State of West Virginia, to aid in the construction of certain railroads ;" and whereas, the early construction of the lines of railroad mentioned in said bill is of the utmost importance, not only to this State, but to the nation at large, forming, as they do, indispensable links in the chain of great national highways ; and whereas, the heavy expenditures imperatively demanded on the part of this State, in the construction of her public buildings and otherwise, will, for a long time to come, be such as to prevent the State from assisting in the construction of said roads ; Therefore,

*Resolved, by the Legislature of West Virginia,*

1. That we do most earnestly request the Congress of the United States to pass, and His Excellency, the President of the United States, to approve the said bill, and that our Senators in the Congress of the United States be instructed, and our Representatives therein, requested to use their utmost exertions to procure the passage thereof.

2. That His Excellency, the Governor of this State, forward to each of our Senators and Representatives, a copy of this preamble and these resolutions.

On motion of Mr. Chapline, the rule was suspended, and said resolution adopted. *Ordered,* That Mr. Chapline so inform the House.

Mr. Burdett offered the following resolution :

*Resolved*, That the Clerk of the Senate be directed to pay Mr. Mathews, the Senator elect from the 9th Senatorial District, his mileage.

On motion of Mr. Chapline, said resolution was laid on the table.

Mr. Slack, from the Committee on Humane and Criminal Institutions, reported back House Joint Resolution No. 4, recommending that it be adopted, which was agreed to.

Mr. Slack presented the petition of a large number of the citizens of Raleigh county, praying that Wilson Abbott, late Sheriff of said county, be released from the payment of certain judgments rendered against him at Richmond, for unpaid revenue of 1856 and 1857, which was read and referred to the Committee on Finance and Claims.

Senate Bill No. 6, " A Bill to amend and re-enact section 3d and 4th, of chapter 102, of the Code of Virginia, second edition, " was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Chapline, Chambers, Corley, Dix, Haymond, Hawkins, Hagar, Kitchen, Mahon, Maxwell, O'Brien, Price, Slack and Wright—16.

NAYS—None.

The Senate adjourned.

---

TUESDAY, JANUARY 23, 1866.

The Senate met at 10 o'clock, A. M., and was opened with prayer by Rev. Mr. Ball.

The journal of yesterday was read and approved.

The following communication was received from the House of Delegates :

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
Wheeling, January 22, 1866 }

The House has this day concurred in Senate Joint Resolution, No. 6, relating to the passage of a law by Congress, granting lands to the State of West Virginia, to aid in the construction of certain railroads.

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Mr. Duval presented the petition of James Hervey, of Brooke county, praying for an amendment of section 34, chapter 118, of the acts of 1863, which was referred to the Committee on Finance and Claims.

Mr. Peck, by leave, introduced Senate Bill No. 11, entitled " A Bill to incorporate the Jonathan's Gaut and Glenn's Run Turnpike



Company," which was read the first time and referred to the Committee on Internal Improvements and Navigation.

On motion of Mr. Burdett,

*Resolved*, That the Committee on Finance and Claims inquire into the expediency of allowing and paying Edward D. Wright a claim for beef furnished the 9th Virginia Regiment of Volunteers.

On motion of Mr. Burdett,

*Resolved*, That the Committee on Internal Improvements and Navigation inquire into the expediency of making an appropriation to complete the Fetterman and Coveton Turnpike Road, in Taylor and Barbour counties.

On motion of Mr. Burley,

*Resolved*, That the Committee on Finance and Claims inquire into the expediency of reporting a bill providing for the payment of a judgment lately obtained by J. E. Boyers, against the Auditor of West Virginia.

On motion of Mr. Chapline, Senate Bill No. 8, entitled "A Bill amending section 94, chapter 118, of the acts of 1863," was laid on the table.

On motion of Mr. Burdett, Senate Bill No. 9, entitled "A Bill to legalize the execution, acknowledgment and recording of certain deeds in Monroe county," was laid on the table.

On motion of Mr. Maxwell, House Joint Resolution No. 6, providing for restoring the statue of George Washington to the State of Virginia, was taken from the table.

On motion of Mr. Burdett, the resolution was amended, by inserting after the word "agent," the words "without expense to this State."

The resolution, as amended, was then adopted.

A message from the House of Delegates, by Mr. Fleming, announced that that body was ready to proceed to the election of a Public Printer, that being the joint order of the day, and that the House had placed in nomination for that position, John Frew.

Mr. Hawkins nominated Mr. Frew, and there being no other nominations, Mr. Hawkins was directed to inform the House of Delegates that the Senate was also ready to execute said order, and had made no further nominations.

The Senate then proceeded to vote for Public Printer, *viva voce*.

The names of the members were called, and their votes recorded as follows:

For JOHN FREW—Messrs. Stevenson, (President,) Burley, Burdett, Chapline, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—19.

The President appointed Messrs. Burdett and Corley to count the joint vote of the two branches, with the Committee of the House.

Mr. Burdett, from said Committee, subsequently reported the following, as the result of the joint vote :

That sixty-six votes were cast in the two branches, and that John Frew received all of them.

Mr. Frew was then declared duly elected to the office of Public Printer, according to law.

Mr. Chapline, by leave, introduced Senate Bill No. 12, entitled "A Bill to authorize the Judge of the 9th Judicial Circuit of West Virginia, to fill official vacancies in his circuit," which was read the first time, and referred to the Committee on the Judiciary.

Mr. Slack, from the Committee on Privileges and Elections, submitted the following report, which was adopted :

The Committee on Privileges and Elections beg leave to report, in the contested election case between Messrs. Downey and Chapline, that the said Downey withdraws his claim to the seat now occupied by Mr. Chapline, of the 10th Senatorial District, and that Joseph A. Chapline is legally entitled to the seat now occupied by him. And we are advised by said Downey, that he now claims a seat in this body on other grounds, but not as a contestant of the seat of said Chapline.

The Senate then adjourned.

---

WEDNESDAY, JANUARY 24, 1866.

The Senate met at 10 o'clock, A. M., and was opened with prayer by Rev. Mr. Hagar, a member of the Senate.

The journal of yesterday was read and approved.

The following communication was received from the House of Delegates :

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
January 23, 1866.

The House has this day passed the following Joint Resolution, in which it respectfully asks the concurrence of the Senate :

House Joint Resolution, No. 7, requesting the members of Congress from this State to secure the aid of the United States in repairing roads and bridges injured during the war.

WHEREAS, during the recent rebellion, our State, lying on the border, has been peculiarly exposed to the raids of the enemy and the ravages and desolations resulting from the oft repeated tread of advancing and retreating armies, and

WHEREAS, during this painful process, our citizens have endured sufferings beyond weight or measure, in the loss of life in every form at the hand of every variety of enemy—in captivity—in exile

—in perils night and day, and in many parts of our State, the general disruption of all organized legal and social order, and the embarrassment of even the ordinary pursuits indispensable to their comfort and existence. In this broad sweep of contending armies and foes of lesser note, many of their churches and court houses—not to mention private property—have been injured or destroyed; but the roads and bridges—the most important of which were in part owned by the State, and were used and many of them destroyed by the Union armies—and the bridges burnt by order of the Union commanders as means of safety, leaving our principal roads impassible.

*Therefore, Resolved by the Legislature of West Virginia,* That our Senators in Congress be hereby instructed and our Representatives requested to respectfully, yet earnestly present our grievances to the attention of Congress and to adopt such measures as may best secure adequate relief in the premises, and that the Governor transmit a copy hereof to each of our Senators and Representatives in Congress.

WM. P. HUBBARD,  
*Clerk House of Delegates.*

The said resolution was adopted.

Mr. Maxwell, from the Committee on the Judiciary, reported back Senate Bill No. 3, entitled "A Bill amending section 44, of chapter 100, of the acts of 1863," recommending its engrossment with the following amendments:

1. Insert before the word "election," in the 8th line, the word "October."

2. Insert at the end of the sentence, in the 10th line, the words: But if the regular term of the office which is vacant expires on the last day of December, or on the third day of March next following the first general October election which comes off after the vacancy exists, then the appointment shall be for the unexpired term."

3. Insert at the end of the sentence, in the 14th line, the words: "when a vacancy in any of the offices above named is to be filled by an election or by the people, the Governor shall give notice thereof by proclamation, a reasonable time before the election day."

All of said amendments were adopted.

Mr. Maxwell moved to amend the said bill by striking out of the 13th and 14th lines the words "or may be dispensed with if he so order," which was agreed to.

The bills were then read the second time, and ordered to be engrossed.

On motion of Mr. Hagar,

*Resolved,* That the Committee on Finance and Claims inquire into the expediency of releasing the securities of Joseph Lester, late Sheriff of Wyoming county, from all judgments and liabilities that the State of Virginia has against them, as said securities, from the first day of June, 1854, until the formation of the State of West Virginia, and report by bill or otherwise.

On motion of Mr. Slack,

*Resolved*, That the Committee on Internal Improvements and Navigation, be requested to inquire into the management of the Baltimore and Ohio Railroad Company, and of the North Western Virginia Railroad Company, respecting the charges made upon said roads for freight and passengers; whether the same are uniform, and in accordance with law; and such other matters connected with the affairs of said Companies, as may be of public interest, and report the result of their investigations to the Senate.

On motion of Mr. Chapline,

*Resolved*, That the Committee on the Judiciary be and are hereby requested to inquire into the expediency of adding the sum of four hundred dollars, per annum, to the salary of the Reporter for the Supreme Court of Appeals.

The Senate then adjourned.

---

THURSDAY, JANUARY 25, 1866.

The Senate met at the usual hour, and was opened with prayer by Rev. Mr. Dix, member of the Senate.

The journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
January 24, 1866. }

The House has this day adopted the Senate amendment to House Joint Resolution No. 6, "Providing for restoring the statue of George Washington to the State of Virginia," and has passed the following joint resolution, in which it respectfully asks the concurrence of the Senate:

House Joint Resolution No. 8, ordering the printing of the documents accompanying the Governor's message:

*Resolved by the Legislature of West Virginia,*

1. That of the documents accompanying the Governor's message there be printed for the use of the Legislature the number of copies hereinafter mentioned, namely:

Report of the Auditor,-----	2000
Report of the Treasurer,-----	2000
Report of the Adjutant-General,-----	1000
Report of the Quartermaster-General,-----	1000
Report of the Board of Claims,-----	300
Report of the Superintendent of Schools,-----	3000
Report of the Commissioner of Immigration,-----	2000
Report of the Superintendent of the Hospital for the Insane,--	3000
Report of the Commissioner of the Gettysburg Cemetery,----	2000
Letter of the President of the James River and Kanawha Com-	
pany,-----	300
Letter of the President of the Virginia Central Railroad,----	300



2. That the copies of the Adjutant-General's Report of this year and the unbound copies remaining on hand of his last year's report be half-bound, to be distributed, one copy to each member and officer of the Legislature and the remainder as may be hereafter provided.

3. That of the documents above named except the Adjutant-General's report, there be bound in like manner, together with the Governor's message, 300 copies, to be distributed, one copy to each member and officer of the Legislature, and the remainder as the Governor may direct.

WM. P. HUBBARD,  
*Clerk House of Delegates.*

On motion of Mr. Burdett, said resolution No. 8, was laid on the table.

Mr. Mahon, doorkeeper elect and Mr. Moore, assistant clerk, were qualified.

Mr. Dix, from the Committee on Education, reported Senate Bill No. 13, entitled "A Bill for the relief of James A. Ewing," which was read the first time.

Mr. Maxwell presented the petition of William E. Lyon, of Harrison county, praying the Legislature to grant him leave to rebuild a certain dam across Ten-mile creek in said county, which was referred to the Committee on Internal Improvements and Navigation.

Mr. Dix presented the petition of Benj. F. Ruffner, praying to be relieved from what he regards as an unjust assessment of 1152 acres of land, in Putnam county, which was referred to the Committee on Finance and Claims.

Mr. Chapline, by leave, introduced Senate Bill No. 14, entitled "A Bill to provide for the recovery of specific personal property," which was read the first time and referred to the Committee on the Judiciary.

Mr. Slack, by leave, introduced Senate Bill No. 15, entitled "A Bill to incorporate the Wayne county Coal and Iron Railway Company," which was read the first time, and referred to the Committee on Internal Improvements and Navigation.

Mr. Burley, by leave, introduced Senate Bill No. 16, entitled "A Bill to incorporate the Marshall Institute and Library Association of Moundsville," which was read the first time and referred to the Committee on Education.

On motion of Mr. O'Brien,

*Resolved*, That the Committee on Internal Improvements and Navigation take into consideration the expediency of appropriating two thousand dollars for the completion of the Middlefork and Philippi Turnpike road, and finishing a bridge across the Middlefork River, which is in a state of decay; and if said Committee think it inexpedient to finish said road—*Resolved*, That they take



into consideration the expediency of appropriating five hundred dollars to complete said bridge, and report by bill or otherwise.

On motion of Mr. Haymond,

*Resolved*, That the Committee on Townships, &c., be requested to inquire into the expediency of enacting a law imposing a fine of fifty dollars, recoverable before a Justice or School Commissioners, who shall permit school houses, which have been, or may hereafter be built at public expense, to be used for any other than school purposes.

On motion of Mr. Corley,

*Resolved*, That the Committee on Internal Improvements and Navigation inquire into the expediency of appropriating \$2,000 to repair the wire suspension bridge across Elk River at Braxton Court House, on the Weston and Gauley Bridge Turnpike Road, and report by bill or otherwise.

Senate Bill No. 3, entitled "A Bill amending section 44, of chapter 100 of the acts of 1863," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Kitchen, Mahon, Maxwell, O'Brien, Price, Slack and Wright—17.

NAYS—None.

The Senate then adjourned.

---

FRIDAY, JANUARY 26, 1866.

The Senate met at 10 o'clock, A. M., and after prayer by Rev. John Moffat, the journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, January 25, 1866.* }

The House has this day passed and asks the concurrence of the Senate, in

House Bill No. 3, "A Bill legalizing the payment of money by Superintendents of Schools to Treasurers of counties for the use of free schools."

House Bill No. 4, "A Bill amending and re-enacting section 15 of chapter 120 of the acts of 1863."

House Bill No. 6, "A Bill to extend the time allowed the civil officers of the counties of Pendleton, Hardy and McDowell, in which to qualify and give bond."

House Bill No. 11, "A Bill extending the charter of the White Sulphur and Sweet Springs Turnpike road," and the following joint resolution:

House Joint Resolution No. 9, fixing a day for the selection of the permanent Capitol of the State:

*Resolved by the Legislature of West Virginia,* That the two Houses will, on Tuesday, the 6th day of February next, proceed to determine by election, the location of the permanent Capitol of the State.

The House has also passed Senate Bill No, 6, "A Bill to amend and re-enact sections 3d and 4th of chapter 102 of the Code of Virginia, second edition."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Said House Bills were each read the first time, and No. 3 referred to the Committee on Education, No. 4 and No. 11 to the Committee on Internal Improvements and Navigation, and No. 6 to the Committee on the Judiciary.

On motion of Mr. Peck,

*Resolved,* That the Committee on the Judiciary be instructed to inquire into the necessity of amending the act defining the duties and powers of Justices in relation to criminal matters.

On motion of Mr. Mahon,

*Resolved,* That the Committee on Internal Improvements and Navigation be requested to inquire into the expediency of providing for an appropriation of five thousand dollars, for re-building the bridge over Big Sandy creek, on the Charleston, Ripley and Ravenswood Turnpike in Jackson county.

On motion of Mr. Chapline,

*Resolved,* That the Committee on Finance and Claims be and are hereby requested to inquire into the expediency of allowing the Auditor the sum of six hundred dollars for the purpose of paying house rent.

On motion of Mr. Chapline,

*Resolved,* That the Committee on the Judiciary be and are hereby instructed to inquire into the expediency of holding the terms of the McDowell Courts in Mercer county, and report by bill or otherwise.

On motion of Mr. Kitchen,

*Resolved,* That the usual mileage due to members of the Legislature, be allowed to O. D. Downey, late contestant for a seat in the Senate.

Mr. Slack, from the Committee on Privileges and Elections, submitted a report in relation to the claims of O. D. Downey, who seeks a seat in the Senate for the 10th district, under the 13th section of the 4th article of the constitution, to the effect that Berkeley and Jefferson counties were properly attached to the 10th Senatorial district under the 16th section of the 4th article, but that Berkeley and Jefferson might, by law, be constituted the 11th district, until the next census, when all the districts may be re-arranged.

The report was adopted.

Mr. Maxwell, from the Committee on the Judiciary, reported back Senate Bill No. 10, entitled "A Bill securing liens to mechanics, laborers and others," recommending its passage, with numerous verbal amendments, which was adopted.

On motion of Mr. Haymond, the bill was further amended by striking out of the 4th line of the 2d section the word "things," and inserting in lieu thereof, the word "materials," and by making the same amendment wherever else the word "things" occurs in the same sense, in the bill.

On motion of Mr. Peck, the bill was laid on the table.

Mr. Burdett, from the Committee on Finance and Claims, reported that the Committee had acted upon the question of the re-assessment of the lands in this State, and that a bill would be reported in the House of Delegates upon that subject.

Mr. Burdett also reported back the papers relating to the claim of Edward D. Wright, for beef furnished the 9th Regiment of Virginia Infantry in 1861, recommending that leave be granted to withdraw them for the purpose of having them referred to the Board of Claims, which was agreed to.

Mr. Burdett, from the same Committee, reported that it is inexpedient to appropriate money for the payment of a judgment lately obtained by J. Edgar Boyers against the Auditor.

And the question being upon the adoption of this report,

Mr. Burdett demanded the yeas and nays, and the demand being sustained, the vote was recorded as follows:

YEAS—Messrs. Stevenson, (President,) Burdett, Chapline, Chambers, Corley, Hawkins, Hagar, Kitchen, Maxwell, O'Brien, Price and Wright—12.

NAYS—Messrs. Burley, Dix, Duval, Haymond, Mahon, Peck and Slack—7.

On motion of Mr. Burdett, House Joint Resolution No. 9, "Fixing a day for the selection of a permanent Capitol of the State," communicated from the House this morning, was laid on the table.

On motion of Mr. Peck, House Joint Resolution No. 8, "Relating to printing the documents accompanying the Governor's message," was taken from the table and adopted.

On motion of Mr. Peck, Senate Bill No. 9, entitled "A Bill to legalize the execution, acknowledgment and recording of certain deeds in Monroe county," was taken up, and referred to the Committee on the Judiciary.

Senate Bill No. 13, entitled "A Bill for the relief of James A. Ewing," was amended by striking out of the second line the word "required," and inserting in lieu thereof, the word "authorized."

The bill was then read the second time, and ordered to be engrossed.

The Senate then adjourned.

SATURDAY, JANUARY 27, 1866.

The Senate met at 10 o'clock, A. M., and after prayer by Rev. John Moffat, the journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, January 26, 1866.* }

The House has this day passed and respectfully asks the concurrence of the Senate in

House Bill No. 13, "A Bill relating to suits brought against Supervisors and Inspectors of Elections and providing for the payment of their costs in defraying the same."

House Bill No. 14, "A Bill amending section 1 of chapter 113 of the acts of 1863."

House Bill No. 16, "A Bill to authorize the City of Wheeling to collect license from Insurance Companies," and

House Bill No. 17, "A Bill in relation to the county seat of McDowell county."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Said bills were read the first time, and No. 13 and 14 were referred to the Committee on the Judiciary; No. 16 to the Committee on Finance and Claims; and No. 17 to the Committee on Townships, &c.

Mr. Burdett, from the Committee on Finance and Claims, reported that it is inexpedient to provide for the re-assessment of the lands of Benj. F. Ruffner, in Putnam county; and the report was adopted.

Mr. Dix, from the Committee on Education, reported back House Bill No. 3, entitled "A Bill legalizing the payment of money by Superintendents of schools to Treasurers of counties for the use of free schools," recommending its passage.

The bill was read the second time, and ordered to its third reading.

Senate Bill No. 13, entitled "A Bill for the relief of James A. Ewing," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chapline, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Mahon, Maxwell, O'Brien, Peck Price, Slack and Wright—18.

NAYS—None.

Mr. Peck presented the petition of Joseph Seybold, Sheriff of Ohio county, in relation to the manner of paying certain taxes, which was referred to the Committee on Finance and Claims.

Mr. Chapline, by leave, introduced Senate Bill No. 17, entitled "A Bill to admit testimony of interested parties in civil actions," and Senate Bill No. 18, entitled "A Bill to amend an act exempting certain property from execution or other process," which were read the first time, and referred to the Committee on the Judiciary.

On motion of Mr. Burdett,

*Resolved*, That the Committee on Finance and Claims be instructed to inquire into the expediency of increasing the fees of jailors.

On motion of Mr. Burley,

*Resolved*, That the Board of Public Works be requested to inform the Senate if any Turnpike road or bridge in which the State holds any stock has been transferred to any of the counties of this State under the provisions of an act passed Dec. 4th, 1863, granting the right of transferring such roads and bridges to the Board of Public Works, and to name the roads and bridges so transferred, and the name of the county transferred to, and if any application has been made by the Supervisor of any of the counties to have any road or bridge transferred to their county.

The Senate adjourned.

---

MONDAY, JANUARY 29, 1866.

The Senate met at the usual hour, and was opened with prayer by Rev. John Moffat.

The journal of Saturday last was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES. }  
January 27, 1866. }

The House has this day passed and respectfully asks the concurrence of the Senate in

House Bill No. 7, "A Bill to authorize the release of mortgages, deeds, of trust and other recorded liens," and

House Joint Resolution No. 11, providing medals of honor for West Virginia soldiers:

*Resolved, by the Legislature of West Virginia*, That the Governor procure or cause to be procured suitable medals as tokens of respect to the officers and soldiers of West Virginia, who have served during the rebellion in the service of the United States, containing the name of the recipient, with his regiment, battalion or battery, surrounded by a wreath; upon the reverse side some appropriate design and inscription. The medal to be suspended by a piece of



tri-colored silk ribbon, its artistic features to be equal to the Crimean medal and its cost not to exceed one dollar.

The medals and inscriptions to be of four kinds.

1. For the officers and soldiers of the volunteer army who have been or may be honorably discharged from the service.

2. For the officers and soldiers who have been killed in battle.

3. For the officers and soldiers who have died from wounds received in battle.

4. For the officers and soldiers who have died from diseases contracted in the service.

The medals for the officers and soldiers who have been killed in battle or who have died of wounds or disease in the service, to be delivered to the families of said officers and soldiers.

WM. P. HUBBARD,  
*Clerk House of Delegates.*

The said bill was read the first time and referred to the Committee on the Judiciary; and said resolution was referred to the Committee on Military Affairs.

Mr. Maxwell, from the Committee on the Judiciary, reported back House Bill No. 6, entitled "A Bill to extend the time allowed the civil officers of the counties of Pendleton, Hardy and McDowell, in which to qualify and give bond," and House Bill No. 14, entitled "A Bill amending section 1 of chapter 113 of the acts of 1863," with a recommendation that they pass; and the first was read the second time and ordered to its third reading, and the second was re-committed.

Mr. Maxwell, from the same Committee, reported back Senate Bill No. 7, entitled "A Bill to authorize the sale of a lot in or near the town of Martinsburg," recommending its passage with an amendment striking out the last sentence of the bill, and inserting in lieu thereof the words: "The net proceeds of such sale shall be paid to the board of education of the township of Martinsburg for the benefit of free schools in said township."

The amendment was adopted, the bill read the second time, and ordered to be engrossed.

Mr. Burdett, from the Committee on Finance and Claims, to which was referred the resolution proposing to exempt soldiers from the payment of taxes levied for the years 1861-2-3-4, reported that it is inexpedient to legislate upon that subject, which was agreed to.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported Senate Bill No. 19, entitled "A Bill for the relief of William E. Lyon," which was read the first time.

Mr. Wright, by leave, introduced Senate Bill No. 20, entitled "A Bill to amend the charter of the West Virginia Central Rail-

way Company," and Senate Bill No. 21, entitled "A Bill to incorporate the town of Ceredo, in Wayne county," which were read the first time, and the first referred to the Committee on Internal Improvements and Navigation and the second to the Committee on Townships, &c.

House Bill No. 3, entitled "A Bill legalizing the payment of money by Superintendents of schools to Treasurers of counties for the use of free schools," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Chapline, Chambers, Corley, Dix, Haymond, Hawkins, Hagar, Kitchen, Mahon, Maxwell, O'Brien, Price, Slack and Wright—16.

NAYS—None.

Mr. Burdett presented the petition of citizens of Taylor county praying for an appropriation to aid in building a bridge over Threefork at Grafton, which was accompanied by a subscription of \$476,00 on the part of the citizens. The petition and papers were referred to the Committee on Internal Improvements and Navigation.

On motion of Mr. Chapline,

*Resolved*, That the Committee on Counties, Townships and Municipal Corporations, be requested to inquire into the expediency of reporting a bill permanently locating the county seat of Jefferson county, at Shepherdstown in said county, thereby complying with the wishes of every loyal voter in the county.

On motion of Mr. Hagar,

*Resolved*, That the Committee on Finance and Claims inquire into the expediency of releasing the counties of Cabell, Wayne, Boone, Logan, Wyoming, Mercer and McDowell, from the back tax for the years 1861-2-3 and-4; and report by bill or otherwise.

On motion of Mr. Hagar,

*Resolved*, That the Committee on Privileges and Elections inquire into the expediency of imposing a fine of not less than \$50 nor more than \$100 upon all Supervisors and Inspectors of Elections who shall hold any election without first taking the oath of office, as required by law; and any election held by such Supervisors and Inspectors shall be null and void; and report by bill or otherwise.

On motion of Mr. Burdett,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law that no lien or judgment, or any other claim shall deprive the widow or heirs of the deceased party, of the benefits of any insurance policy.

On motion of Mr. Burley,

*Resolved*. That the Committee on the Judiciary be requested to report such bill or bills as it may think necessary, in regard to abolishing the office of County Treasurer; and to provide that the Sheriff perform the duties of said office; and to so amend the

exemption law as to except tax-payers from said exemption for the payment of all taxes, and to authorize Supervisors to appoint Surveyors of Roads in cases when the people fail to elect, or from any other cause a vacancy may occur, and to provide for the payment of the Surveyors out of the road tax.

Messrs. Chapline and Kitchen were granted leave of absence.

Mr. Burley moved that House Joint Resolution No. 9, "Fixing a day for the selection of a permanent Capitol of the State," be taken up, which was agreed to.

Mr. Burdett moved that the consideration of the said resolution be indefinitely postponed; and the question being put, was decided in the affirmative.

The Senate adjourned.

---

TUESDAY, JANUARY 30, 1866.

The Senate met at the usual hour, and after prayer by Rev. Alex. Martin, the journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*January 29, 1866.* }

The House has this day passed and asks the concurrence of the Senate, in

House Bill No. 15, "A Bill to provide for the sale of real estate returned delinquent for the non-payment of taxes."

House Bill No. 18, "A Bill to amend and re-enact the first section of an act entitled 'An act providing for issuing grants for land in certain cases,' passed December 9, 1863."

House Bill No. 20, "A Bill to protect State and local bounties provided for volunteers in the service of the United States against attachment and levy for debt."

House Bill No. 21, "A Bill to amend and re-enact section 16, chapter 184, Code of Virginia, second edition."

House Bill No. 22, "A Bill to amend and re-enact section 36, chapter 176, Code of Virginia, second edition."

House Bill No. 23, "A Bill to amend and re-enact section 64 of chapter 100 of the acts of 1863."

House Bill No. 25, "A Bill amending the charter of Triadelphia in the county of Ohio."

House Bill No. 27, "A Bill to amend the charter of the town of Clarksburg."

House Bill No. 31, "A Bill to amend an act entitled 'An act creating a board for the examination of certain military claims,' passed February 25, 1863," and

House Joint Resolution No. 12, providing guards for State convicts in the jail of Ohio county:

*Resolved, by the Legislature of West Virginia,* That the Governor, whenever in his opinion it is necessary for the safe keeping of the convicts confined in the jail of Ohio county, is authorized to employ an efficient guard for the said jail at a sum not exceeding two dollars per day, in addition to the guards now authorized to be employed by law, to guard the said jail in the daytime.

The House has also passed Senate Bill No. 3, "A Bill amending section 44 of chapter 100 of the acts of 1863."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Said bills were read the first time, and Nos. 18, 21, 22 and 23 were referred to the Committee on the Judiciary; Nos. 15 and 20 to the Committee on Finance and Claims; Nos. 25 and 27 to the Committee on Townships, &c; and No. 31 to the Committee on Military Affairs; and said resolution was concurred in.

Mr. Maxwell, from the Committee on the Judiciary, reported back House Bill No. 7, entitled "A Bill to authorize the release of mortgages, deeds of trust, and other recorded liens," recommending its passage.

Mr. Haymond moved to amend the said bill by striking out of the 2d line of the 2d section, and wherever else they occur in the bill, the words "satisfaction piece," and inserting in lieu thereof, the word "release," out of the 1st line of the 6th section, the words "satisfaction pieces," and inserting the word "releases;" and out of the 8th section, (engrossed bill,) where it twice occurs, the word "satisfaction," and inserting "release."

These amendments were all adopted.

On motion of Mr. Burley, the words "personal representative or guardian," were inserted after the word "lienor" in the 1st line of the 5th section.

On motion of Mr. Haymond, the words "by him" were stricken out of the 2d line of the 5th section.

The bill was then read the second time, and ordered to its third reading.

Mr. Burdett, from the Committee on Finance and Claims, reported back House Bill No. 16, entitled "A Bill to authorize the City of Wheeling to levy and collect license from Insurance Companies," recommending its passage.

But on motion of Mr. Peck the bill was laid on the table.

Mr. Price, from the Committee on Townships, &c., reported Senate Bill No. 22, entitled "A Bill to protect public school houses," which was read the first time.

Mr. Price, from the same Committee, reported back House Bill No. 17, entitled "A Bill in relation to the county seat of McDowell county," recommending that it do not pass.

And the question being upon ordering the bill to its second reading, it was decided in the negative.

Mr. Peck presented the remonstrance of citizens of Triadelphia against the amendment of the charter of said town, which was referred with the bill upon that subject.

Mr. Burdett presented the petition of Edward J. Colrider, of Upshur county, praying relief from certain fines imposed against him for violation of the revenue laws, which was referred to the Committee on Finance and Claims.

Mr. Duval presented the petition of the Overseers of the Poor of Brooke county, praying that they be authorized to correct their report for the year ending March 31, 1864, which was referred to the Committee on Humane and Criminal Institutions.

Mr. Duval, by leave, introduced Senate Bill No. 23, entitled "A Bill concerning Brooke Academy," which was read the first time, and referred to the Committee on Education.

Mr. Slack, by leave, introduced Senate Bill No. 24, entitled "A Bill to incorporate the Elk River Navigation Company," which was read the first time, and referred to the Committee on Internal Improvements and Navigation.

Mr. Peck, by leave, introduced Senate Bill No. 25, entitled "A Bill allowing appeals from the Board of Supervisors in certain cases," which was read the first time, and referred to the Committee on the Judiciary.

Senate Bill No. 7, entitled "A Bill to authorize the sale of a lot in or near the town of Martinsburg," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

House Bill No. 6, entitled "A Bill to extend the time allowed the civil officers of the counties of Pendleton, Hardy and McDowell, in which to qualify and give bond," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—16.

NAYS—None.

The Senate then adjourned.



WEDNESDAY, JANUARY 31, 1866.

The Senate met at the usual hour, and after prayer by Rev. Alex. Martin, the journal of yesterday was read and approved.

A communication was received from the Board of Public Works in response to a resolution adopted by the Senate asking for information in regard to the transfer of Turnpike roads in which the State owns stock, to counties, which was read and referred to the Committee on Internal Improvements and Navigation.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, January 30, 1866* }

The House has this day passed and respectfully asks the concurrence of the Senate in

House Bill No. 28, "A Bill establishing the county of Mineral out of a part of the county of Hampshire."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Said bill was read the first time, and referred to the Committee on Townships, &c.

Mr. Maxwell, from the Committee on the Judiciary, reported back the following bills, recommending that the one first named do not pass, and that the other two do pass:

House Bill No. 14, entitled "A Bill amending section 1 of chapter 113, of the acts of 1863;"

House Bill No. 21, entitled "A Bill to amend and re-enact section 16 of chapter 184 Code of Virginia, second edition;" and

House Bill No. 23, entitled "A Bill to amend and re enact section 64 of chapter 100 of the acts of 1863."

The Senate refused to read the first named bill the second time, and the other two were read the second time, and ordered to their third reading.

Mr. Burdett, from the Committee on Finance and Claims, to which was referred a resolution looking to the relief of Joseph Lester, late Sheriff of Wyoming county, reported that the House had introduced a bill in that regard.

Mr. Duval, from the Committee on Military Affairs, reported back House Bill No. 31, entitled "A Bill to amend an act entitled 'An act creating a Board for the examination of certain Military Claims,' passed February 25, 1865," with a recommendation that it pass; and the bill was read the second time, and ordered to its third reading.

Mr. Duval, from the same Committee, reported back House Joint Resolution No. 11, "Providing medals for West Virginia soldiers," recommending its adoption.

On motion of Mr. Haymond, the said resolution was laid on the table.

Mr. Dix, from the Committee on Education, reported back Senate Bill No. 16, entitled "A Bill to incorporate the Marshall Institute and Library Association of Moundsville," recommending that it do not pass.

The Senate refused to order the bill to be read the second time.

Mr. Burdett presented the petition of citizens of Hampshire county, praying for the establishment of the county of Mineral out of a part of Hampshire, which was referred to the Committee on Townships, &c.

House Bill No. 7, entitled "A Bill to authorize the release of mortgages, deeds of trust, and other recorded liens," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

Senate Bill No. 19, entitled "A Bill for the relief of William E. Lyon, was taken up on its second reading.

On motion of Mr. Haymond, the word "and" was stricken out of the 2d line, and the word "or" inserted in lieu thereof.

On motion of Mr. Maxwell, the words "The said dam shall be in all respects like the one which the said Gains was allowed to erect under the said order," were added at the end of the first section.

The bill was then ordered to be engrossed.

Mr. Burdett presented the petitions of a number of Assessors praying for an increase of Assessors fees, which were laid on the table.

The Senate then adjourned.

---

THURSDAY, FEBRUARY 1, 1866.

The Senate met at the usual hour, and was opened with prayer by Rev. Dr. Martin.

The journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, January 31, 1866.* }

The House has this day passed and asks the concurrence of the Senate in

House Bill No. 9, "A Bill to amend the law in relation to the competency of witnesses," and has passed Senate Bill No. 13, "A Bill for the relief of James A. Ewing."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Said House Bill No. 9, was read the first time, and referred to the Committee on the Judiciary.

Mr. Maxwell from the Committee on the Judiciary, reported Senate Bill No. 26, entitled "A Bill to regulate the salary of the Reporter of the Supreme Court of Appeals," which was read the first time.

Mr. Maxwell, from the same Committee, reported back Senate Bill No. 18, entitled "A Bill to amend the act exempting certain property from execution or other process," recommending that it do not pass; and the Senate refused to read the bill the second time.

Mr. Maxwell, from the same Committee, reported back House Bill No. 18, entitled "A Bill to amend and re-enact the first section of an act entitled 'An act providing for issuing grants for land in certain cases,' passed December 9, 1863," recommending its passage, with an amendment, inserting in the 9th line, before the word "surveys," the word "such," and striking out of the 22d line the word "fifty-three," and inserting the word "forty-three." The said amendments were both adopted, the bill read the second time, and ordered to its third reading.

Mr. Maxwell, from the same Committee, reported back Senate Bill No. 9, entitled "A Bill to legalize the execution, acknowledgment and recording of certain deeds in Monroe county," recommending its passage, with the following amendments:

1. Strike out all after the enacting clause, and insert the following:

"1. The acknowledgment and recordation of a deed, executed by Robert Dunlap and Mary E. C. Dunlap, his wife, to Mary M. Harrison, wife of Nathaniel Harrison, of Monroe county, bearing date on the 14th day of October, 1864, and admitted to record on the 6th day of May, 1865, in the Clerk's office of the late county court of Monroe county, is hereby legalized and declared to be valid.

The execution of the deed from George W. Hutchinson, Special Commissioner of the former Circuit Court of the county of Monroe to the said Mary M. Harrison, bearing date on the 2d day of November, 1864, and admitted to record in the Clerk's office of the late

county court of Monroe county, on the 22d day of November, 1864, is hereby declared as legal as it would have been if the said Circuit Court had had the power to order the same to be executed. The acknowledgment and recordation of the same is hereby legalized and declared to be valid."

2. Strike out of the title the words "to legalize the execution, acknowledgment and recording of," and insert in lieu thereof, the words "in relation to."

The amendments were both adopted, and the bill read the second time, and ordered to be engrossed.

Mr. Burdett, from the Committee on Finance and Claims, reported adversely upon the resolution of Mr. Corley, proposing to release from back taxes and damages all lands which lie in counties where collectors of the revenue were prevented from making collections by reason of the war; and the report was adopted.

Mr. Burdett, from the same Committee, reported Senate Bill No. 27, entitled "A Bill to amend section 34 of chapter 118 of the acts of 1863," which was read the first time.

Mr. Price, from the Committee on Townships, &c., reported back House Bill No. 27, entitled "A Bill to amend the charter of the town of Clarksburg," and House Bill No. 28, entitled "A Bill establishing the county of Mineral out of a part of the county of Hampshire," recommending that they pass; and they were each read the second time, and ordered to be read the third time.

Mr. Price, by leave, introduced Senate Bill No. 28, entitled "A Bill for the establishment and regulation of the West Virginia Agricultural College," which was read the first time, and referred to the Committee on Education.

Senate Bill No. 19, entitled "A Bill for the relief of William E. Lyon," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

House Bill No. 21, entitled "A Bill to amend and re-enact section 16 of chapter 184, Code of Virginia, second edition," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

House Bill No. 23, entitled "A Bill to amend and re-enact section 64 of chapter 100 of the acts of 1863," was read the third time, and passed with its title:



YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Hawkins, Hagar, Mahon, O'Brien, Peck, Price, Slack and Wright—15.

NAYS—Messrs. Haymond and Maxwell—2.

House Bill No. 31, entitled "A Bill to amend an act entitled 'An act creating a Board for the examination of certain military claims,' passed February 25, 1865," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

On motion of Mr. Burdett, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and House Bill No. 28, entitled "A Bill establishing the county of Mineral out of a part of the county of Hampshire," was this day read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

Senate Bill No. 22, entitled "A Bill to protect public school houses," was amended by striking out of the 17th line the word "educational," and inserting in lieu thereof, the word "school."

On motion of Mr. Mahon, the said bill was laid on the table.

On motion of Mr. Duval, House Joint Resolution No. 11, "Providing medals of honor for West Virginia soldiers," was taken from the table and adopted.

On motion of Mr. Peck,

*Resolved*, That the Committee on Finance and Claims be directed to inquire into the expediency of authorizing the Supervisors of Ohio county to increase the compensation of the Prosecuting Attorney of said county beyond the sum now authorized by law.

The Senate then adjourned.

---

FRIDAY, FEBRUARY 2, 1866.

The Senate met at 10 o'clock, A. M., and was opened with prayer by Rev. Dr. Martin.

The following communication was received from the House of Delegates:



CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, Feb. 1, 1866.* }

The House has this day concurred in all the amendments proposed by the Senate to House Bill No. 7, "A Bill to authorize the release of mortgages, deeds of trust, and other recorded liens."

W. P. HUBBARD,  
*Clerk House of Delegates.*

Mr. Maxwell, from the Committee on the Judiciary, reported back House Bill No. 22, entitled "A Bill to amend and re-enact section 36, chapter 176, Code of Virginia, second edition," recommending its passage with an amendment, adding at the end of the bill, the words, "This section shall not apply to witnesses before justices."

The said amendment was agreed to, the bill read the second time, and ordered to its third reading.

Mr. Burdett, from the Committee on Finance and Claims, reported back, with a recommendation that it pass, House Bill No. 20, entitled "A Bill to protect State and local bounties for volunteers in the service of the United States and of this State against attachment and levy for debt," which was read the second time and ordered to be read the third time.

Mr. Mahon presented the petition of citizens of sub-district No. 2, Gilmer Township, Jackson county, praying that they be authorized to levy a tax of fifty cents on the hundred dollars for building school houses, which was read and referred to the Committee on Education.

Mr. Peck, by leave, introduced Senate Bill No. 29, entitled "A Bill providing for the issuing of attachments in certain cases," which was read the first time, and referred to the Committee on the Judiciary.

On motion of Mr. Burdett, Senate Bill No. 9, entitled "A Bill in relation to certain deeds in Monroe county," was laid on the table.

Mr. Burdett, from the Committee on Finance and Claims, reported back House Bill No. 15, entitled "A Bill to provide for the sale of real estate returned delinquent for the non-payment of taxes," recommending its passage.

The bill was read by sections for amendment.

Mr. Burdett moved to amend the bill by striking out the words "*per centum*," wherever they occur, and inserting in lieu thereof, the words "*per cent*;" but the motion was rejected.

On motion of Mr. Burley, the bill was re-committed.

House Bill No. 18, entitled "A Bill to amend and re-enact the first section of an act entitled 'An act providing for issuing grants for land in certain cases,' passed December 9, 1865," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Mahon, Maxwell, O'Brien, Price, Slack and Wright—17.

NAYS—None.

House Bill No. 27, entitled "A Bill to amend the charter of the town of Clarksburg," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

On motion of Mr. Peck, House Bill No. 16, entitled "A Bill to authorize the city of Wheeling to levy and collect license from Insurance Companies," was taken up, and amended by adding at the end of the bill the following: "Provided that the said license shall be taxed equally, and that not over the sum of fifty dollar shall be assessed on each."

On motion of Mr. Burley, the word "foreign" was inserted before the word "Insurance" in the 3d line.

On motion of Mr. Peck, the bill was laid on the table.

The Senate then adjourned.

---

SATURDAY, FEBRUARY 3, 1866.

The Senate met at 10 o'clock, A. M., and after prayer by Rev. Dr. Martin, the journal of yesterday was read and approved.

Mr. Price, from the Committee on Townships, &c., reported back. Senate Bill No. 21, entitled "A Bill to incorporate the town of Ceredo in the county of Wayne," recommending its passage with an amendment, striking out of the 2d line of the 20th section the word "eighteen," and inserting in lieu thereof, the word "twenty-one."

The amendment was adopted.

The bill was read by sections for amendment.

Mr. Burdett moved to strike out of the 4th and 5th line of the 12th section the words "of loyalty prescribed," and insert in lieu thereof, the words "prescribed by law," but the motion was rejected.

Mr. Burley moved to add at the end of the 28th section the words "Provided, however, that the said town shall keep its

streets and alleys in good order, and provide for its own poor," which was agreed to.

The bill was read the second time and ordered to be engrossed and read the third time.

Mr. Dix, from the Committee on Education, reported back Senate Bill No. 23, entitled "A Bill concerning Brooke Academy," without recommendation; and the Senate refused to read the Bill a second time.

House Bill No. 22, entitled "A Bill to amend and re-enact section 36, chapter 176, Code of Virginia, second edition," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Mahon, Maxwell, O'Brien, Price, Slack and Wright—16.

NAYS—None.

House Bill No. 20, entitled "A Bill to protect State and local bounties for volunteers in the service of the United States and this State, against attachment and levy for debt," was read the third time and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Mahon, Maxwell, O'Brien, Price, Slack and Wright—16.

NAYS—None.

Senate Bill No. 27, entitled "A Bill to amend section 34 of chapter 118 of the acts of 1863," was read the second time, and ordered to be engrossed.

On motion of Mr. Maxwell, Senate Bill No. 9, entitled "A Bill in relation to certain deeds in Monroe county," was taken from the table, the vote ordering its engrossment re-considered, and the bill re-committed.

Mr. Burdett presented the following joint resolution, which lies over one day under the rules:

*Resolved, by the Legislature of West Virginia, That, as a mark of respect and gratitude to General D. Karns for his efforts, enterprise and perseverance in first discovering, and his energy in developing Petroleum within this State, the Governor cause to be struck a medal, with suitable devices and inscriptions, to be presented to General Karns.*

On motion of Mr. Burley,

*Resolved, That the Committee on the Judiciary be requested to inquire into the expediency of reporting a bill amending the 2d section of chapter 133 of the acts of 1863, so as to allow constables a fair compensation for summoning witnesses and summoning a jury, and return of venire.*

Mr. Burdett was granted leave of absence until Tuesday next.

The Senate adjourned.

MONDAY, FEBRUARY 5, 1866.

The Senate met at the usual hour, and after prayer by Rev. D. W. Fisher, the journal of Saturday was read and approved.

Mr. O'Brien, by leave, introduced Senate Bill No. 30, entitled "A Bill to alter part of the division line between the counties of Upshur and Barbour," which was read the first time and referred to the Committee on Townships, &c.

Senate Bill No. 21, entitled "A Bill to incorporate the town of Ceredo in the county of Wayne," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Corley, Haymond, Hawkins, Hagar, Kitchen, Mahon, O'Brien, Price and Wright—12.

NAYS—Mr. Maxwell—1.

Senate Bill No. 27, entitled "A Bill to amend section 34 of chapter 118 of the acts of 1863," was read the third time and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Corley, Haymond, Hawkins, Hagar, Kitchen, Mahon, Maxwell, O'Brien, Price and Wright—13.

NAYS—None.

The Senate adjourned.

---

TUESDAY, FEBRUARY 6, 1866.

The Senate met at 10 o'clock, A. M., and after prayer by Rev. D. W. Fisher, the journal of yesterday was read and approved.

The following communication was received from the House of Delegates :

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, February 5, 1866.* }

The House has this day passed Senate Bill No. 7, "A Bill to authorize the sale of a lot in or near the town of Martinsburg; concurred in the amendments made by the Senate to House Bill No. 18, "A Bill to amend and re-enact the first section of an act entitled 'An act providing for issuing grants for land in certain cases,' passed December 9, 1863," and House Bill No. 22, "A Bill to amend and re-enact section 36, chapter 176, Code of Virginia, second edition;" passed and respectfully asks the concurrence of the Senate in House Bill No. 37, "A Bill to refund to certain counties their proportion of the school fund," and House Bill No. 39, "A Bill appropriating six hundred dollars to William Alexander."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Said House Bill No. 37, was read the first time, and referred to the Committee on Education; and No. 39 was read the first time and referred to the Committee on Finance and Claims.

Mr. Maxwell, from the Committee on the Judiciary, reported back Senate Bill No. 31, entitled "A Bill to alter the terms of the circuit courts in the 9th circuit," which was read the first time, and its printing dispensed with.

On motion of Mr. Peck, the case being urgent and three-fourths of the members consenting thereto, the rule was suspended for the purpose, and said last named bill read the second time this day, and ordered to be engrossed.

Mr. Maxwell, from the same Committee, reported Senate Bill No. 32, entitled "A Bill to repeal the acts giving the courts of Doddridge and Ritchie jurisdiction in cases arising in Gilmer and Calhoun," which was read the first time, and its printing dispensed with.

Mr. Price, from the Committee on Townships, &c., reported back House Bill No. 25, entitled "A Bill amending the charter of the town of Triadelphia, in the county of Ohio," with a recommendation that it pass with an amendment, inserting after the word "running," in the 31st line, the words "horses or any other animal of their kind."

The amendment was adopted.

On motion of Mr. Mahon, the words "of the peace of said county," were stricken out of the 51st line, and the words "Triadelphia township" inserted.

The said bill was then read the second time, and ordered to its third reading.

Mr. Corley, by leave, introduced Senate Bill No. 33, entitled "A Bill concerning the railroads of this State," which was read the first time, and referred to the Committee on Internal Improvements and Navigation.

Mr. Chambers, by leave, introduced Senate Bill No. 34, entitled "A Bill relieving certain counties from taxes," which was read the first time, and referred to the Committee on Finance and Claims.

On motion of Mr. Maxwell, Senate Bill No. 26, entitled "A Bill to regulate the salary of the Reporter of the Supreme Court of Appeals," was amended, by striking out of the second line the words "such sum. not exceeding," and out of the 4th and 5th lines the words "as the court may determine."

The bill was then read the second time, and ordered to be engrossed.



On motion of Mr. Peck, Senate Bill No. 10, entitled "A Bill securing liens to mechanics, laborers and others," was taken from the table, read the second time, and ordered to be engrossed.

On motion of Mr. Chapline, Senate Bill No. 8, entitled "A Bill amending section 94, chapter 118 of the acts of 1863," was taken from the table, read the second time, and ordered to be engrossed.

Mr. Mahon presented two petitions, from a large number of citizens of Jackson county, praying for the adoption of the constitutional amendment, which were read and referred to the Committee on the Judiciary.

Mr. Kitchen presented the petition of a large number of loyal citizens of Berkeley county praying for the passage of an act to indemnify them for losses sustained by them during the rebellion, which was read and referred to the Committee on Finance and Claims.

On motion of Mr. Peck,

*Resolved*, That the Committee on the Judiciary inquire into the expediency of enlarging the jurisdiction of the Municipal Court of Wheeling in civil and criminal matters, and report by bill or otherwise.

On motion of Mr. Peck,

*Resolved*, That the Committee on Education inquire into and report the expediency of amending the act in relation to the Free Schools of Wheeling.

On motion of Mr. Corley,

*Resolved*, That the Committee on Internal Improvements and Navigation inquire into the expediency of appropriating \$50,000 to McAdamize the Clarksburg and Buckhannon Turnpike road, and report by bill or otherwise.

On motion of Mr. Burdett,

*Resolved*, That the Committee on Townships, &c., be instructed to inquire into the expediency of requiring Recorders to make their list of transfers furnished Assessors, alphabetically and by townships.

The Senate then adjourned.

---

WEDNESDAY, FEBRUARY 7, 1866.

The Senate met at the usual hour, and was opened with prayer by Rev. D. W. Fisher, after which the journal of yesterday was read and approved.

Mr. Burdett, from the Committee on Finance and Claims, reported back House Bill No. 39, entitled "A Bill appropriating six hundred dollars to William Alexander," recommending its passage; and it was read the second time, and ordered to its third reading.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported back Senate Bill No. 11, entitled "A Bill to incorporate the Jonathan's Gaut and Glenn's Run Turnpike Company," recommending its passage with the following amendments:

1. Strike out of the 6th line, 1st section, the words "Jonathan's Gaut at the," and insert in lieu thereof, the words "Wheeling Iron Works."

2. Strike out of the 7th line, 1st section, the words "end of Main street."

3. Insert the words "one mile" between the word "road" and the word "above," in the 2d line of the 4th section.

All of said amendments were adopted, the bill read the second time, and ordered to be engrossed.

Mr. Wright, by leave, introduced Senate Bill No. 35, entitled "A Bill to amend and re-enact section 6 of an act entitled 'An act concerning licenses,' passed November 28, 1863," which was read the first time, and referred to the Committee on the Judiciary.

Mr. Haymond, by leave, introduced Senate Bill No. 36, entitled "A Bill to encourage immigration into West Virginia," which was read the first time, and referred to the Committee on Banks and Corporations.

Mr. Hagar, by leave, introduced Senate Bill No. 37, entitled "A Bill to authorize suits and proceedings which might be brought in the county of Logan, to be brought and prosecuted in the county of Boone," which was read the first time, its printing dispensed with, and referred to the Committee on the Judiciary.

Mr. Chapline, by leave, introduced Senate Bill No. 38, entitled "A Bill to repeal the 9th section of 'An act defining the powers and duties of Recorders in relation to Wills and Fiduciaries,' passed September 3, 1863," which was read the first time, and referred to the Committee on the Judiciary.

House Bill No. 25, entitled "A Bill amending the charter of the town of Triadelphia," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chapline, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—None.

Senate Bill No. 8, entitled "A Bill amending section 94, chapter 118 of the acts of 1863," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chapline, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—None.

Senate Bill No. 10, entitled "A Bill securing liens to mechanics, laborers and others," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Chapline, Corley, Dix, Duval, Haymond, Hawkins, Hagar, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—18.

NAYS—None.

Senate Bill No. 26, entitled "A Bill to regulate the salary of the Reporter of the Supreme Court of Appeals," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Chapline, Corley, Dix, Duval, Haymond, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—None.

Senate Bill No. 31, entitled "A Bill to alter the terms of the circuit courts in the ninth circuit," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chapline, Chambers, Corley, Dix, Duval, Haymond, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—None.

Senate Bill No. 32, entitled "A Bill to repeal the acts giving the courts of Doddridge and Ritchie jurisdiction in cases arising in Gilmer or Calhoun," was read the second time, and ordered to be engrossed.

On motion of Mr. Burdett, Senate Joint Resolution No. 7, "to provide a medal for General Samuel D. Karns," was taken up, when Mr. Burdett offered the following substitute :

*Resolved, by the Legislature of West Virginia,* That the Governor of this State cause a medal to be struck, with suitable devices and inscriptions thereon, and presented to General Samuel D. Karns as a testimonial of the value of his enterprise and exertions in first discovering and his unceasing efforts in developing Petroleum in this State.

Mr. Burdett then moved that the resolution and the substitute be laid on the table, which was agreed to.

Mr. O'Brien moved that the vote adopting the adverse report of the Committee on Finance and Claims in regard to the claim of J. Edgar Boyers, be re-considered, but the motion was decided in the negative.

On motion of Mr. Peck,

*Resolved,* That the Committee on the Judiciary inquire into the propriety of amending section 6 of chapter 204 of the Code of Virginia, so as to allow Justices to admit to bail persons charged with felony before them.

On motion of Mr. Peck,

*Resolved*, That the Committee on the Judiciary inquire into the expediency of providing that the action of forcible *detainer* shall survive upon the death of either of the parties, to the heirs, devisees or executors of the party so dying.

Mr. Peck introduced Senate Joint Resolution No. 8, as follows :

*Be it Resolved by the Legislature of West Virginia :*

That Sylvanus W. Hall be paid out of the contingent fund in hands of the Governor, the sum of one hundred dollars, for his time and services in removing the law library from Lewisburg to the city of Wheeling.

The resolution lies over one day under the rules.

The Senate then adjourned.

THURSDAY, FEBRUARY 8, 1866.

The Senate met at the usual hour, and after prayer by Rev. Dr. Drummond, the journal of yesterday was read and approved.

The following communication was received from the House of Delegates :

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
February 7, 1866. }

The House has this day passed and asks the concurrence of the Senate, in

House Bill No. 44, "A Bill to repeal sections 22 and 23 of chapter 163 of the Code of Virginia, second edition."

House Bill No. 49, "A Bill to enable the council of the city of Parkersburg to change the name of the streets thereof."

House Bill No. 50, "A Bill making an appropriation to the West Virginia Hospital for the Insane."

House Bill No. 51, "A Bill to legalize marriages celebrated during the rebellion."

House Bill No. 52, "A Bill to amend and re-enact the 1st section of chapter 5 of the acts of 1864."

House Bill No. 53, "A Bill to amend and re-enact a part of the 1st section of chapter 20 of the acts of the General Assembly of Virginia, passed at Richmond in 1861," and

House Bill No. 55, "A Bill establishing the county of Grant out of a part of the county of Hardy."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Said bills were read the first time, and Nos. 44, 51, 52 and 53 were referred to the Committee on the Judiciary; No. 49, to the Committee on Banks and Corporations; No. 50, to the Committee on Finance and Claims; and No. 55, to the Committee on Townships, &c.



\* Mr. Burdett, from the Committee on Finance and Claims, reported that it is inexpedient to legislate upon the subject of releasing Wilson Abbott, late Sheriff of Raleigh county, from the payment of certain judgments obtained against him by the State of Virginia.

The report was adopted.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported Senate Bill No. 39, entitled "A Bill constituting the bank of certain streams in Morgan county a lawful fence," which was read the first time.

Mr. Dix, from the Committee on Education, reported back House Bill No. 37, entitled "A Bill to refund to certain counties their proportion of the school fund," with a substitute therefor, as follows:

Substitute for House Bill No. 37, "A Bill prescribing how the general school fund shall be apportioned to certain counties in the year 1866."

Be it enacted by the Legislature of West Virginia:

1. The Auditor in the next apportionment of the general school fund shall apportion to the counties of Putnam, Pleasants, Wirt, Wood, Monongalia, Randolph and Gilmer, in addition to their share of such fund this year, such portion thereof as they would have been entitled to receive in the year 1865, had they then made full returns of the number of school children in their respective counties. Such apportionment shall be made upon the enrollment of the present year.

2. The Superintendents of the counties aforesaid are hereby required to apportion to such townships in their counties, in addition to their share of the school fund this year, such portion as they would have been entitled to receive in 1865, had they made their return according to law.

The said substitute was adopted, and the bill read the second time, and ordered to its third reading.

Mr. Duval, by leave, introduced Senate Bill No. 40, entitled "A Bill to authorize Adam Kuhn and others to sink a coal shaft in the town of Wellsburg, and for other purposes," which was read the first time, and referred to the Committee on Finance and Claims.

Mr. Chapline, by leave, introduced Senate Bill No. 41, entitled "A Bill to relieve judgment debtors," which was read the first time, and referred to the Committee on the Judiciary.

Mr. Hawkins, by leave, introduced Senate Bill No. 42, entitled "A Bill to amend section 12 of chapter 30 of the acts of 1865," which was read the first time, its printing dispensed with, and referred to the Committee on the Judiciary.

Mr. Hagar, by leave, introduced a substitute for Senate Bill No. 15, entitled "A Bill to incorporate the Wayne county Coal and



Iron Railway Company," and the substitute was referred to the Committee on Internal Improvements and Navigation.

Mr. Kitchen presented remonstrances against the formation of the county of Grant out of a part of the county of Hardy, which were referred to the Committee on Townships, &c.

House Bill No. 39, entitled "A Bill appropriating six hundred dollars to William Alexander," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Chapline, Corley, Dix, Duval, Haymond, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—None.

Senate Bill No. 11, entitled "A Bill to incorporate the Jonathan's Gaut and Glenn's Run Turnpike Company," was amended by general consent, by striking out of the 22d and 23d lines the words "Jonathan's Gaut," and inserting in lieu thereof, the words "Wheeling Iron Works," when the bill was read the third time, and passed:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—None.

On motion of Mr. Peck, the title was amended by striking out the words "Jonathan's Gaut," and inserting in lieu thereof, the words "Wheeling Iron Works," and thus amended the title was passed.

Senate Bill No. 32, entitled "A Bill to repeal the acts giving the courts of Doddridge and Ritchie jurisdiction in cases arising in Gilmer or Calhoun," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Burdett, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—None.

On motion of Mr. Chapline, Senate Joint Resolution No. 8, "to pay for services in removing law library from Lewisburg to Wheeling," was taken up, and referred to the Committee on Finance and Claims.

On motion of Mr. Peck,

*Resolved*, That the Committee on Finance and Claims inquire into the propriety of amending section 1 of chapter 78 of the acts of 1862.

The Senate then adjourned.

FRIDAY, FEBRUARY 9th, 1866.

The Senate met at the usual hour, and after prayer by Rev. Mr. Taylor, of Fairmont, the journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES. }  
February 8, 1866. }

The House has this day concurred in the amendments proposed by the Senate to House Bill No. 25, "A Bill amending the charter of the town of Triadelphia in the county of Ohio;" has also passed and asks the concurrence of the Senate in

House Bill No. 8, "A Bill to amend the law relating to the maintenance of illegitimate children."

House Bill No. 29, "A Bill to construct a mill dam across Elk River, at Sutton, Braxton county."

House Bill No. 30, "A Bill to provide for a re-assessment of the value of all the real estate within this State."

House Bill No. 42, "A Bill to establish a permanent seat of government for the State of West Virginia."

House Bill No. 57, "A Bill to provide a penitentiary for the State."

House Bill No. 59, "A Bill to prevent further taxation of soldiers property for bounty purposes."

House Bill No. 60, "A Bill removing the county seat of Calhoun county," and House Joint Resolution No. 14, "Agreeing to the proposed amendment to the State Constitution," as follows:

WHEREAS, the legislature of this State at its last session in conformity to the constitution agreed to the following proposed amendment to the constitution of this State, to be added at the end of the first section of the third article thereof, to become part of the said constitution when ratified according to the provisions thereof, namely:

"No person who since the first day of June, 1861, has given or shall give voluntary aid or assistance to the rebellion against the United States shall be a citizen of this State, or be allowed to vote at any election held therein, unless he has volunteered into the military or naval service of the United States, and has been or shall be honorably discharged therefrom."

And whereas, the said proposed amendment was published for at least three months before the last general election in some newspaper in every county in the State in which there was at that time a newspaper printed: *Therefore, Resolved* by the Legislature of West Virginia, that the said proposed amendment is hereby agreed to.

WM. P. HUBBARD,  
Clerk House of Delegates.

Said bills were each read the first time, and Nos. 8 and 42 referred to the Committee on the Judiciary; No. 29, to the Committee on Internal Improvements and Navigation; No. 30, to the Committee on Finance and Claims; No. 57, to the Committee on Humane and Criminal Institutions; No. 59, to the Committee on Military Affairs; and No. 60, to the Committee on Townships, &c.

Said resolution was read the first time, and referred to the Committee on the Judiciary.

Mr. Maxwell, from the Committee on the Judiciary, reported Senate Bill No. 43, entitled "A Bill better to provide for the distribution of the acts," which was read the first time.

Mr. Maxwell, from the same Committee, reported back Senate Bill No. 37, entitled "A Bill to authorize suits and proceedings which might under existing laws be brought in the county of Logan, to be brought and prosecuted in the county of Boone," recommending its passage; and it was read the second time, and ordered to be engrossed.

Mr. Maxwell, from the same Committee, reported back Senate Bill No. 29, entitled "A Bill providing for the issuing of attachments in certain cases," recommending its passage; and it was read the second time, and ordered to be engrossed.

Mr. Maxwell, from the same Committee, reported back Senate Bill No. 1, with a substitute therefor, entitled "A Bill in relation to the oaths of Attorneys at Law," which was adopted, and the bill read the second time, and ordered to be engrossed.

Mr. Burdett, from the Committee on Finance and Claims, reported back House Bill No. 50, entitled "A Bill making an appropriation to the West Virginia Hospital for the Insane," recommending its passage; and it was read the second time, and ordered to its third reading.

Mr. Burdett, from the same Committee, reported back House Bill No. 15, entitled "A Bill to provide for the sale of real estate returned delinquent for the non-payment of taxes," recommending its passage; but

On motion of Mr. Maxwell, the bill was laid on the table.

Mr. Burdett, from the same Committee, reported back Senate Joint Resolution No. 8, "To pay for services in removing the law library from Lewisburg to Wheeling," with the following substitute therefor:

*Resolved by the Legislature of West Virginia:*

That Sylvanus W. Hall be paid the sum of one hundred and fifty dollars, and Henry M. Mathews the sum of one hundred dollars, out of the contingent fund in the hands of the Governor, for their

time and services in removing the law library from Lewisburg to the city of Wheeling."

The substitute was agreed to, and the resolution adopted.

Mr. Duval, from the Committee on Military Affairs, reported Senate Bill No. 44, entitled "A Bill making an appropriation for the Antietam National Cemetery near Sharpsburg, Maryland," which was read the first time.

Mr. Chapline, from the Committee on Banks and Corporations, reported back House Bill No. 49, entitled "A Bill to enable the council of the city of Parkersburg to change the name of the streets thereof," recommending its passage; and it was read the second time, and ordered to its third reading.

Mr. Wright, by leave, introduced Senate Bill No. 45, entitled "A Bill to prevent Intoxication," which was read the first time and referred to the Committee on the Judiciary.

The Senate substitute for House Bill No. 37, entitled "A Bill prescribing how the general school fund shall be apportioned to certain counties in the year 1866," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—16.

NAYS—None.

On motion of Mr. Hagar, the vote yesterday, adopting the adverse report of the Committee on Finance and Claims in regard to releasing certain judgments against Wilson Abbott, late Sheriff of Raleigh county, was re-considered, and the report, petition and papers were re-committed.

On motion of Mr. Hagar,

*Resolved*, That the Committee on Finance and Claims inquire into the expediency of allowing Pemberton Cook the sum of \$85,00 for property lost in the service of the State.

Mr. Hagar presented petitions and papers relating to the same subject, which were referred with the resolution.

Mr. Chambers offered the followiug resolution, which was laid on the table:

*Resolved*, That the President of the Senate be requested to order an election for a Senator in the 9th Senatorial district, to fill a vacancy existing therein.

Mr. Burley offered Senate Joint Resolution No. 9, (which under the rules lies over one day,) as follows:

*Resolved, by the Legislature of West Virginia:*

That our Representatives in Congress be requested and our Senators instructed to oppose a renewal of the late reciprocity treaty with England, in relation to our trade with Canada, &c., and to



insist that the duty on coal coming into the United States, whether from the British Provinces or elsewhere, shall not be less than one dollar and seventy-five cents per ton.

2. *Resolved*, That a copy of the foregoing resolutions be transmitted by the clerk of the House of Delegates to each of our Representatives and Senators in Congress.

The Senate then adjourned.

---

SATURDAY, FEBRUARY 10, 1866.

The Senate met at the usual hour, and after prayer by Rev. Mr. Dix, member of the Senate, the journal of yesterday was read and approved.

Mr. Maxwell, from the Committee on the Judiciary, reported back House Bill No. 51, entitled "A Bill to legalize marriages celebrated during the rebellion," recommending its passage; and it was read the second time, and ordered to its third reading.

Mr. Maxwell, from the same Committee, reported back Senate Bill No. 2, entitled, "A Bill to prevent and punish the forcible or unlawful obstruction of public justice," recommending its passage with the following amendments:

1. Strike out of the 1st line, 1st section, the word "especially."
2. Strike out of the 12th line, 3rd section, the words, "less than one," and out of the 13th line, 3rd section, the words, "month nor."
3. Strike out of the 1st line of the 4th section, the word "or;" and out of the 2nd line, same section, the word, "words" and insert in lieu thereof, the word "or;" and out of the 2nd and 3rd lines, same section, the words, "letters, writing, public speeches, printing, publishing; and insert between the words "oppose" and "any," in the 5th line of same section the words, "or shall counsel or advise others to hinder, obstruct or oppose;" and strike out of the 11th line, same section, the words "one hundred," and insert "ten," and out of the 11th and 12th lines, same section, the words, "one thousand," and insert "five hundred;" and strike out all between the word "dollars" in the 12th line, same section, and the word "provided," in the 15th line, same section.

All of said amendments were adopted, the bill read the second time, and ordered to be engrossed.

Mr. Maxwell, from the same Committee reported back House Bill No. 42, entitled "A Bill to establish a permanent seat of government for the State of West Virginia," recommending its passage, with the following amendment: Strike out of the 1st section, the words, "Buckhannon, in the county of Upshur," and insert in lieu thereof, the words, "Clarksburg, in the county of Harrison," but,

On motion of Mr. Dix, the bill was laid on the table.



Mr. Maxwell, from the same Committee, reported back House Joint Resolution, No. 14, "agreeing to the proposed amendment to the State Constitution," recommending its passage; and it was read the second time, and ordered to its third reading.

Mr. Price, from the Committee on Townships, reported back Senate Bill No. 30, entitled, "A Bill to alter part of the division line between the counties of Upshur and Barbour," recommending its passage; and it was read the second time, and ordered to be engrossed.

Mr. Price, from the same Committee, to which was referred the resolution of inquiry as to the expediency of requiring Recorders to make their lists of transfers, furnished Assessors, alphabetically and by townships, reported Senate Bill No. 46, entitled, "A Bill to amend section 6, of chapter 118, of the acts of 1863," which was read the first time.

Mr. Maxwell, from the Committee on Humane and Criminal Institutions, (Mr. Slack, chairman, being absent), reported back House Bill No. 57, entitled "A Bill to provide a penitentiary for the State," recommending the following amendment: Strike out of the 1st line of the 4th section the word "fifteen," and insert in lieu thereof, the word "fifty," but

On motion of Mr. Dix, the bill was laid on the table.

Mr. Burley, from the Committee on Internal Improvements and Navigation reported back Senate Bill No. 15, entitled "A Bill to incorporate the Wayne county Coal and Iron Railway Company," recommending its passage, with the following amendments:

1. Strike out all of the 4th section, after the words "navigation thereof," in the 13th line of said section.

2. Strike out the 5th section, and insert in lieu thereof: 5. The President and Directors of said Company or a majority of them shall be, and they are hereby authorized to make and execute bonds or certificates of indebtedness, under the seal of said company, for such sum or sums and payable at such time or times, and to sell and dispose of the same on such terms, as to the said President and Directors may seem proper, provided, that nothing herein contained shall be taken to authorize said company to issue anything in the nature of a bank note, or other paper to be used for circulation as a currency."

3. Strike out the words "one hundred," in the 3rd line, 6th section, and insert in lieu thereof, the word "fifty."

4. Insert between the words, "made" and "on" in the 5th line, 8th section, the word, "made," and between the words "stock" and "and," in the same line and section, the words, "after the date of said assessment."

5. To insert an additional section as follows: "9. And the said

railway and its branches, when completed, shall be a public highway for the conveyance of passengers, and the transportation of freight of every description, subject to the provisions of chapter 56, 57 and 61 of the code of Virginia, second edition, where the said chapters does not conflict with this charter."

6. Strike out the word, "two" in the 3rd line, of the 9th section, and insert, "one;" the word "four" in 4th line, and insert "two;" and the word "ten," in the 5th line, and insert, the word "six."

All of the above amendments were adopted.

On motion of Mr. Wright, the words "M. J. Ferguson" were stricken out of the 5th line of the 1st section.

On motion of Mr. Stevenson, (Mr. Chapline in the chair) the word, "forty" in the 10th line of the 7th section was stricken out, and the word "sixty" inserted in lieu thereof.

The bill, as amended, was then read the second time and ordered to be engrossed.

Mr. Dix, from the Committee on Education, reported Senate Bill No. 47, entitled, "A Bill relating to the schools of Wheeling, and parts of townships connected therewith," which under a suspension of the rules, was read the first time by its title, and ordered to its second reading.

Mr. Chapline, from the Committee on Banks and Corporations reported back Senate Bill No. 36, entitled, "A Bill to encourage immigration into West Virginia," recommending its passage, but on motion of Mr. Stevenson, (Mr. Chapline in the chair) it was laid on the table.

Mr. Mahon presented the petition of citizens of Calhoun county remonstrating against the removal of the county seat of said county, which was referred to the Committee on Townships, &c.,

Mr. Burdett offered the following resolution, which was adopted.

*Resolved*, That the Committee on "Military Affairs" be instructed to inquire into the expediency of providing for auditing and paying the militia for services rendered the United States during the late rebellion.

House Bill No. 49, entitled "A Bill to enable the council of the city of Parkersburg to change the name of the streets thereof," was read the third time and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Maxwell, O'Brien, Peck and Price—16.

NAYS—None.

House Bill No. 50, entitled, "A Bill, making an appropriation to the West Virginia Hospital for the Insane," was read the third time and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—None.

Senate Bill No. 1, entitled, "A Bill in relation to the oaths of attorneys at law," coming up on its third reading, Mr. Burdett, moved that it be indefinitely postponed, the Yeas and Nays were called for, and the call being sustained resulted in the defeat of the motion :

YEAS—Messrs. Burdett, Haymond and O'Brien—3.

NAYS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Kitchen, Mahon, Maxwell, Peck, Price and Wright—14.

Mr. Haymond moved to lay the bill on the table, which motion was lost.

On motion of Mr. Maxwell, the Senate took a recess until 2½ o'clock P. M.,

2½ O'CLOCK P. M.

The Senate re-assembled.

Senate Bill No. 29, entitled, "A Bill providing for the issuing of attachments in certain cases," came up on its third reading, but on motion of Mr. Maxwell it was laid on the table.

Senate Bill No. 1, pending when the Senate took a recess, coming up again, Mr. Mahon moved to lay it on the table, which motion being lost, it was read the third time and passed with its title.

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Dix, Hagar, Kitchen, Mahon, Maxwell, Price and Wright—12.

NAYS—Messrs. Burdett, Haymond, O'Brien and Peck—4.

Senate Bill No. 37, entitled, "A Bill to authorize suits and proceedings, which might under existing laws be brought in the county of Logan, to be brought and prosecuted in the county of Boone," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—16.

NAYS—None.

On motion of Mr. Burley, Senate Joint Resolution No. 9, was called up.

On motion of Mr. Burdett, it was amended by striking out the words "one dollar and seventy-five cents," and inserting in lieu thereof, the words, "two dollars."

The resolution, as amended, was then adopted.

The Senate then adjourned.

MONDAY, FEBRUARY 12, 1866.

The Senate met at the usual hour, and after prayer by Rev. Mr. Barnitz, the journal of Saturday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, February 10, 1866* }

The House of Delegates has this day passed, and respectfully requests like action of the Senate, on

House Bill No. 61, "A Bill constituting a certain part of the bank of the Ohio River within Jackson county a lawful fence."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Said bill was read the first time, and referred to the Committee on Townships, &c.

Mr. Price, from the Committee on Townships, &c., reported Senate Bill No. 48, entitled "A Bill permanently locating the county seat of Jefferson county at Shepherdstown," which was read the first time, and its printing dispensed with.

Mr. Peck, by leave, introduced Senate Bill No. 49, entitled "A Bill changing the time of holding the terms, for its civil business, of the Municipal Court of Wheeling," which was read the first time, its printing dispensed with, and referred to the Committee on the Judiciary, and Senate Bill No. 50, entitled "A Bill for the benefit of married women in insuring the lives of their husbands," which was read the first time and referred to the same Committee.

Mr. Haymond presented the petitions of a large number of persons resident in Barbour county, praying that the laws of the State be so modified as to permit every citizen of the State to have equal rights and liberty, which were referred to the Committee on the Judiciary.

Mr. Dix, from the Committee on Education, reported back, without recommendation, Senate Bill No. 28, entitled "A Bill for the establishment and regulation of the West Virginia Agricultural College," The bill was amended on motion of Mr. Burdett, by filling the blank in the 5th line of the second section with the word "ten," and on motion of Mr. Price, by striking out of the 2d line of the 9th section the word "annuities," and inserting in lieu thereof, the word "immunities," read the second time, and ordered to be engrossed.

House Bill No. 51, entitled "A Bill to legalize marriages celebrated during the rebellion," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—16.

NAYS—None.

Senate Bill No. 15, entitled "A Bill to incorporate the Wayne County Coal and Iron Railway Company," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Wright—15.

NAYS—None.

Senate Bill No. 2, entitled "A Bill to prevent and punish the forcible or unlawful obstruction of public justice," was read the third time, and, on motion of Mr. Peck, laid on the table to await the return of absent members.

Senate Bill No. 30, entitled "A Bill to alter part of the division line between the counties of Upshur and Barbour," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Wright—15.

NAYS—None.

House Joint Resolution No. 14, "Agreeing to the proposed amendment to the State Constitution," was read the third time, and on motion of Mr. Peck, was laid on the table, to await the return of absent members.

On motion of Mr. Chapline, Senate Bill No. 39, entitled "A Bill constituting the bank of certain streams in Morgan county a lawful fence," having been read the second time, was laid on the table.

On motion of Mr. Chapline, Senate Bill No. 36, "A Bill to encourage immigration into West Virginia," was taken up and referred to the Committee on the Judiciary.

On motion of Mr. Peck,

*Resolved*, That the Committee on Humane and Criminal Institutions inquire into the expediency of making simple larceny to extend to the stealing of property to the value of \$50, and report by bill or otherwise.

On motion of Mr. Mahon,

*Resolved*, That the Committee on Finance and Claims take into consideration the propriety of allowing Benjamin Wright two hundred and thirty dollars for rent and damages done by State Guards to store house occupied by them as barracks.

The Senate then adjourned.



TUESDAY, FEBRUARY 13, 1866.

The Senate assembled at 10 o'clock, A. M., and was opened with prayer by Rev. Mr. Barnitz, after which the journal of yesterday was read and approved.

The following communication was received from the House of Delegates :

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, Feb. 12, 1866.* }

The House has this day passed Senate Bill No. 11, "A Bill to incorporate the Wheeling Iron Works and Glenn's Run Turnpike Company."

Senate Bill No. 19, "A Bill for the relief of William E. Lyon."

Senate Bill No. 23, "A Bill to regulate the salary of the Reporter of the Supreme Court of Appeals."

Senate Bill No. 31, "A Bill to alter the terms of the Circuit Courts in the Ninth Circuit," and

Senate Joint Resolution No. 9, "Relating to the Reciprocity Treaty with England."

It has also passed Senate Bill No. 27, "A Bill to amend section 34, of chapter 118 of the acts of 1863," with an amendment, striking out of line 19 the word "credited" and inserting in lieu thereof the word "corrected," in which amendment it respectfully asks concurrence.

It has also passed and respectfully asks the concurrence of the Senate in

House Bill No. 48, "A Bill to authorize the city council of Parkersburg to change the location of one of its streets."

House Bill No. 54, "A Bill concerning cases transferred from the Supreme Court of Appeals and District Courts of Virginia, to the Supreme Court of Appeals of West Virginia."

House Bill No. 67, "A Bill to protect literary societies and other meetings convened for social amusement."

House Bill No. 68, "A Bill to amend and re-enact section 1 of chapter 34 of the acts of 1864."

House Bill No. 69, "A Bill to change the number of Adelpi Lodge of the Independent Order of Odd Fellows, in the town of Clarksburg."

House Bill No. 71, "A Bill to amend the 21st section of chapter 131 of the acts of 1863," and

House Bill No. 72, "A Bill to amend and re-enact the second section of an act concerning licenses, passed November 28th, 1863."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Said House Bills were read the first time, and No. 48 was referred to the Committee on Banks and Corporations; No. 71 to the Committee on Finance and Claims; and Nos. 54, 67, 68, 69, and 72 were referred to the Committee on the Judiciary.

The Senate concurred in the amendment proposed by the House of Delegates to Senate Bill No. 27, entitled "A Bill to amend section 34, of chapter 118, of the acts of 1863."

Mr. Maxwell, from the Committee on the Judiciary, reported back Senate Bill No. 49, entitled, "A Bill changing the time of holding the terms, for its civil business, of the Municipal Court of Wheeling," and Senate Bill No. 42, "A Bill to amend section 12, of chapter 80, of the acts of 1865," recommending their passage and they were each read the first time, and ordered to be engrossed.

Mr. Maxwell, from the same Committee, reported Senate Bill No. 51, entitled, "A Bill to abolish the office of county Treasurer," which was read the first time.

Mr. Burdett, from the Committee on Finance and Claims reported back Senate Bill No. 34, entitled, "A Bill relieving certain counties from taxes," recommending that it lie on the table, which was adopted.

Mr. Burdett, from the same Committee, reported Senate Bill No. 52, "A Bill to amend and re-enact the act regulating Allowances to county Officers," which was read the first time.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported Senate Bill No. 53, entitled, "A Bill to relinquish to the Maryland and Virginia Bridge Company the stock in said Company belonging to the State," which was read the first time.

Mr. Duval, by leave, introduced Senate Bill No. 54, entitled "A Bill for the relief of the Overseers of the Poor for the county of Brooke," which was read the first time, and referred to the Committee on Humane and Criminal Institutions.

Mr. Chapline, by leave, introduced Senate Bill No. 55, entitled "A Bill to provide counsel for the Poor," which was read the first time, and referred to the Committee on the Judiciary.

Mr. Price, from the Committee on Townships, reported back House Bill No. 55, entitled "A Bill establishing the county of Grant out of a part of the county of Hardy," recommending its passage; and it was read the second time, and ordered to its third reading.

Mr. Burdett, from the Committee on Finance and Claims, reported back Senate Bill No. 40, entitled "A Bill to authorize Adam Kuhn and others to sink a coal shaft in the town of Wellsburg, and for other purposes," recommending its passage.

The bill coming up on its second reading, Mr. Burley moved to amend it so as to require the parties proposing to mine the coal mentioned in the bill, to pay to the State, for the use of free schools, three cents for every ton of coal so mined; but the motion was rejected.

Mr. Peck moved that the following be added at the end of the bill, which was agreed to: "Provided that the said company shall in good faith commence said operations within two years and prosecute the same."

The bill was then read the second time, and ordered to be engrossed.

Mr. Dix moved that Senate Bill No. 28, entitled "A Bill for the establishment and regulation of the West Virginia Agricultural College" be laid on the table; and upon this question the yeas and nays were ordered and taken.

The YEAS were—Messrs. Chambers, Dix, Hagar, Maxwell, O'Brien and Wright—6.

The NAYS were—Messrs. Stevenson, (President,) Burdett, Burley, Chapline, Corley, Duval, Haymond, Hawkins, Kitchen, Mahon, Peck and Price—12.

Mr. Mahon moved to reconsider the vote by which said bill was ordered to be engrossed, but the motion was decided in the negative.

The bill was then read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—Mr. Dix—1.

Mr. Maxwell stated that he voted "yea," with the understanding that he protested against what he conceived to be the imperfections and irregularities of the details of the bill.

Mr. Burdett, from the Committee on Finance and Claims, reported back House Bill No. 30, entitled "A Bill to provide for a re-assessment of the value of all the real estate within this State," recommending its passage: and pending the consideration of this bill,

On motion of Mr. Chapline, the Senate took a recess until 2½ o'clock, P. M.

#### AFTERNOON SESSION.

The Senate re-assembled at 2½ o'clock, (Mr. Maxwell in the chair.)

The bill pending at the time the Senate took a recess, was laid on the table, on motion of Mr. Stevenson.

Senate Bill No. 43, "A Bill better to provide for the distribution of the acts," was read the second time, and ordered to be engrossed.

Senate Bill No. 44, entitled "A Bill making an appropriation for the Antietam National Cemetery, near Sharpsburg, Maryland," was read the second time, and ordered to be engrossed.

Senate Bill No. 46, entitled "A Bill to amend the 6th section of chapter 118 of the acts of 1863," was read the second time, and ordered to be engrossed.

Senate Bill No. 48, entitled "A Bill permanently locating the county seat of Jefferson county at Shepherdstown," was read the second time, and ordered to be engrossed.

On motion of Mr. Peck, the case being urgent, and three-fourths of the members consenting thereto, the rule was suspended for the purpose, and Senate Bill No. 49, entitled "A Bill changing the time for holding the terms, for its civil business, of the Municipal Court of Wheeling," the same having been engrossed, was read this day the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—18.

NAYS—None.

On motion of Mr. Chapline, House Joint Resolution No. 14, "Agreeing to the proposed amendment to the State Constitution," was taken from the table, and having been read on three several days, was adopted :

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Dix, Duval, Haymond, Hawkins, Kitchen, Mahon, Maxwell, Price and Wright—14.

NAYS—Messrs. Burdett, Haymond, O'Brien and Peck—4.

The Senate then adjourned.

---

WEDNESDAY, FEBRUARY 14, 1866.

The Senate met at the usual hour, and after prayer by Rev. Mr. Barnitz, the journal of yesterday was read and approved.

The following communication was received from the House of Delegates :

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
Wheeling, February 13, 1866. }

The House has this day passed Senate Bill No. 32, "A Bill to repeal the acts giving the courts of Doddridge and Ritchie jurisdiction in cases arising in Gilmer or Calhoun," and adopted the substitute proposed by the Senate for House Bill No. 37, "A Bill to

refund to certain counties their proportion of the school fund ;" it has also passed and respectfully asks the concurrence of the Senate in

House Bill No. 33, "A Bill for the relief of St. Clair Rains of Kanawha county."

House Bill No. 56, "A Bill to consolidate the towns of Moundsville and Elizabethtown."

House Bill No. 74, "A Bill to provide for obtaining grants for lands where the entries are lost or destroyed," and

House Joint Resolution No. 16, "Providing for re-printing certain acts."

*Resolved by the Legislature of West Virginia :*

1. Fifteen hundred copies each of the ordinances of the convention which assembled at Wheeling, on the 11th of June, 1861, of the acts of the General Assembly of Virginia, passed at the sessions commencing July 1, 1861, December 2, 1861, May 6, 1862, and December 4, 1862, with the Constitution of this State and the acts of the Legislature for the years 1863, 1864, 1865 and 1866, shall be printed and bound in one volume in the form now prescribed by law for the acts of each session.

2. The volumes to be printed and bound as provided in the foregoing section shall be delivered by the Public Printer to the Secretary of the State, who shall dispose of the same as provided in section 11, chapter 21, acts of 1865, except that he shall deliver to the Clerk of the Senate 22 copies, one for his own use and the others to be kept in his office for the use of the Senate, 60 copies to the Clerk of the House of Delegates, one for his own use and the others to be kept in his office for the use of the House, and shall place twelve copies in the Library of the State, and five copies in the Library of the Supreme Court of Appeals, and shall offer for sale the remainder at a price to be fixed by him, not below cost, and pay the proceeds of all sales into the treasury.

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Said House Bill No. 33 was read the first time, and referred to the Committee on Finance and Claims; No. 56, to the Committee on Townships; and No. 74, to the Committee on the Judiciary.

On motion of Mr. Chapline, the said House Joint Resolution No. 16, "Providing for re-printing certain acts," was referred to the Committee on the Judiciary.

Mr. Maxwell, from the Committee on the Judiciary, reported back the following bills, recommending their passage :

House Bill No. 67, entitled "A Bill to protect literary societies and other meetings convened for social amusement."

House Bill No. 69, entitled "A Bill to change the number of Adelphi Lodge of the Independent Order of Odd Fellows in the town of Clarksburg," and



House Bill No. 68, entitled "A Bill to amend and re-enact section 1 of chapter 34 of the acts of 1864."

The two bills first named were each read the second time, and ordered to their third reading, and the third was laid on the table, on motion of Mr. Burley.

Mr. Maxwell, from the same Committee, reported Senate Bill No. 56, entitled "A Bill in relation to actions of detinue," which was read the first time.

Mr. Burdett, from the Committee on Finance and Claims, reported back House Bill No. 71, entitled "A Bill to amend the 21st section of chapter 131 of the acts of 1863," recommending its passage, and it was read the second time, and ordered to its third reading.

Mr. Burdett, from the same Committee, reported adversely upon the claim of Pemberton Cook, returning the papers connected therewith, and recommending that the applicant have leave to withdraw them.

Mr. Burdett made a like report upon the claim of Benjamin Wright.

Both reports were adopted.

Mr. Chapline, from the Committee on Banks and Corporations, reported back House Bill No. 48, entitled "A Bill to authorize the city council of Parkersburg to change the location of one of its streets," recommending its passage; and it was read the second time, and ordered to its third reading.

Mr. Kitchen, by leave, introduced Senate Bill No. 57, entitled "A Bill to legalize the poor tax levied by the county court of Berkeley county in the year 1863," which was read the first time, and referred to the Committee on Finance and Claims, and its printing dispensed with.

Mr. Kitchen, by leave, introduced Senate Bill No. 58, entitled "A Bill for the protection of the loyal citizens of the State and for the repeal of certain acts therein named," which was read the first time, and referred to the Committee on the Judiciary.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported back House Bill No. 11, entitled "A Bill extending the charter of the White Sulphur and Sweet Springs Turnpike Road," recommending its passage with the following amendment:

Insert between the word "for" and the word "ten," the words "the additional period of," and add at the end of the first section the following: "from and after the termination of the fifteen years extended for the benefit of William A. Mastin, by an act passed March 9, 1843," entitled 'An act authorizing the reconstruction of Sweet Spring and White Sulphur Spring Turnpike Road.' "

The amendment was adopted and the bill ordered to its third reading.

House Bill No. 55, entitled "A Bill establishing the county of Grant out of a part of the county of Hardy," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, O'Brien, Peck, Price and Wright—16.

NAYS—Mr. Haymond—1.

Senate Bill No. 40, entitled "A Bill to authorize Adam Kuhn and others to sink a coal shaft in the town of Wellsburg, and for other purposes," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Wright—17.

NAYS—None.

Senate Bill No. 42, entitled "A Bill to amend section 12 of chapter 80 of the acts of 1865," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Wright—17.

NAYS—None.

Senate Bill No. 43, entitled "A Bill better to provide for the distribution of the acts," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Wright—17.

NAYS—None.

Senate Bill No. 44, entitled "A Bill making an appropriation for the Antietam National Cemetery, near Sharpsburg, Maryland," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Wright—17.

NAYS—None.

Senate Bill No. 46, entitled "A Bill to amend the 6th section of chapter 118 of the acts of 1863," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Wright—17.

NAYS—None.

Senate Bill No. 48, entitled, "A Bill permanently locating the county seat of Jefferson county at Shepherdstown," was read the third time and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, O'Brien, Peck, Price, and Wright—15.

NAYS—Messrs. Burdett and Haymond—2.

On motion of Mr. Chapline, the Senate took up Senate Bill No. 2, entitled "A Bill to punish the forcible or unlawful obstruction of public justice," and the same, having been read the third time, was, by general consent, on motion of Mr. Chapline, amended by striking out of the bill, wherever it occurs, the word "law," and inserting in lieu thereof, the word "act," and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Kitchen, Mahon, O'Brien, Peck, Price and Wright—14.

NAYS—Messrs. Burdett and Haymond—2.

On motion of Mr. Kitchen, Senate Bill No. 39, entitled "A Bill constituting the bank of certain streams in Morgan county a lawful fence," was read the second time, and ordered to be engrossed.

A message from the House of Delegates, by Mr. Koonce, announced that that body had passed Senate Bill No. 1, entitled "A Bill in relation to the oaths of Attorneys at Law," with the following amendments, in which it asks concurrence:

1. In line 2, after "court," insert "or before any justice or board of supervisors."
2. Strike out all after the semi-colon, in line 22, to the semi-colon in line 31.

The amendments were agreed to.

Mr. Chapline, by leave, introduced Senate Bill No. 59, entitled "A Bill to amend the license law," which was read the first time, and referred to the Committee on the Judiciary.

On motion of Mr. Burley, House Bill No. 57, entitled "A Bill to provide a penitentiary for the State," on its second reading, was taken from the table.

The amendment proposed by the Committee, to strike out of the 1st line of the 4th section the word "fifteen," and inserting in lieu thereof, the word "fifty," was agreed to.

On motion of Mr. Maxwell, the bill was further amended by inserting after the word "board" in the 1st line of the 2d section the words "shall appoint a board of directors consisting of five

persons who;" after the word "board" in the 7th line of the same section, the words "of directors;" and at the end of the 11th line of the same section, the words "of directors."

Mr. Peck moved further to amend the said bill by striking out of the 3d line of the 1st section the word "Moundsville," and inserting "Wheeling," and out of the same section, the word "Marshall" and inserting "Ohio."

Pending which,

On motion of Mr. Hagar, the Senate took a recess until 2½ o'clock, P. M.

#### AFTERNOON SESSION.

The Senate re-assembled.

Upon the question pending at the hour of recess, the yeas and nays were demanded, and the demand being sustained, Mr. Maxwell called for a division of the motion, and the question being first taken on striking out, it was decided in the negative:

YEAS—Messrs. Stevenson, (President,) Chambers, Hagar and Mahon—4.

NAYS—Messrs. Burley, Burdett, Chapline, Corley, Dix, Hawkins, Haymond, Kitchen, Maxwell, O'Brien, Peck, Price and Wright—13.

On motion of Mr. Maxwell, the bill was tabled.

The Senate then adjourned.

#### THURSDAY, FEBRUARY 15, 1866.

The Senate was opened with prayer by Rev. J. B. Uber.

The journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
February 14, 1866. }

The House of Delegates has this day passed Senate Bill No. 8, "A Bill amending section 94, chapter 118 of the acts of 1863," and passed and asks concurrence in House Bill No. 32, "A Bill making an appropriation to Robertson Cook."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

The said House Bill was read the first time, and referred to the Committee on Finance and Claims.

Mr. Maxwell, from the Committee on the Judiciary, reported back House Bill No. 72, entitled "A Bill to amend and re-enact the second section of an act concerning licenses, passed November 28, 1863," recommending its passage, with an amendment, inserting in the 2d line of the proposed section, after the word "house," the words "or boarding house."

The said amendment was adopted, and the bill was read the second time, and ordered to be read the third time.

Mr. Burdett, from the Committee on Finance and Claims, reported a substitute for House Bill No. 59, entitled "A Bill to prevent further taxation of soldiers' property for bounty purposes."

The substitute was adopted, the bill read the second time, and ordered to its third reading.

Mr. Burdett, from the Committee on Privileges and Elections, reported back the resolution declaring the seat in this body to which Henry M. Mathews was elected, vacant, recommending its adoption, and also the adoption of the following resolution:

*Resolved*, That the President of the Senate proceed to issue a writ of election, to fill such vacancy, which election shall be held on the 4th Thursday of April, 1866.

The resolution declaring the said seat vacant, was adopted.

Mr. Chapline moved that the resolution providing for an election to fill the vacancy, be amended by striking out the word "April" and inserting the word "October" in lieu thereof, pending which, the resolution was tabled.

Mr. Price, from the Committee on Townships, reported back House Bill No. 61, entitled "A Bill constituting a certain part of the bank of the Ohio River within Jackson county a lawful fence," recommending its passage; and it was read the second time, and ordered to its third reading.

Mr. Kitchen, by leave, introduced Senate Bill No. 60, entitled "A Bill amending the charter of the town of Martinsburg," which was read the first time, and on motion of Mr. Kitchen, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said bill read the second time this day, and ordered to be engrossed.

Mr. Dix, by leave, introduced Senate Bill No. 61, entitled "A Bill allowing the Boards of Supervisors of the counties of this State to subscribe stock to any railroad company," which was read the first time, and referred to the Committee on Townships.

Mr. Chapline presented the petition of citizens of Wheeling praying for a reduction of the license on Billiard Saloons," which was referred to the Committee on Finance and Claims.

On motion of Mr. Chapline,

*Resolved*, That the Committee on Internal Improvements and Navigation be requested to inquire into the expediency of appropriating by the State the sum of eight hundred dollars, to be used in re-building the bridge across the Lost River on the Hardy and Winchester Turnpike.



Senate Bill No. 39, entitled "A Bill constituting the bank of certain streams in Morgan county a lawful fence," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Price and Wright—15.

NAYS—Mr. Haymond—1.

House Bill No. 11, entitled "A Bill extending the charter of the White Sulphur and Sweet Springs Turnpike Road," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—None.

House Bill No. 48 entitled "A Bill to authorize the city council of Parkersburg to change the location of one of its streets," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—None.

House Bill No. 67, entitled "A Bill to protect literary societies and other meetings convened for social amusement," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—None.

House Bill No. 69, entitled "A Bill to change the number of Adelphi Lodge of the Independent Order of Odd Fellows in the town of Clarksburg," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—17.

NAYS—None.

House Bill No. 71, entitled "A Bill to amend the 21st section of chapter 131 of the acts of 1863," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Wright—16.

NAYS—Mr. Maxwell—1.

Senate Bill No. 57, entitled "A Bill to legalize the poor tax levied by the county courts of Berkeley county in the year 1863," was read the second time, and ordered to be engrossed.

Mr. Burley moved that the Senate take up House Bill No. 57, entitled "A Bill to provide a Penitentiary for the State," and the motion was agreed to.

Mr. Maxwell offered the following amendments to the bill, which were adopted :

1. Insert after the word "board" in line 1, section 2, the words "of public works."

2. Insert after the word "persons," in the amendment offered by Mr. Maxwell yesterday, the words "a majority of whom shall be a quorum."

3. Insert after the word "board" in line 1, section 3, the words "of public works."

4. Add at the end of the 3d section, the words "and the said board of directors shall before the meeting of the next legislature, make a full report of its proceedings up to the first day of January next, to the Governor, to be laid before the next legislature."

5. Insert the following as section 4, and change the number of the present section 4 to section 5 :

"4. The directors shall receive each the sum of three dollars per day, and their necessary traveling expenses, for every day necessarily spent by them on the board of directors."

6. Add at the end of the bill the words "of directors."

The bill was read the second time, and ordered to be engrossed.

Mr. Corley moved that the Senate take up House Bill No. 42, entitled "A Bill to establish a permanent seat of government for the State of West Virginia," but the motion was disagreed to.

The Senate then adjourned.

---

FRIDAY, FEBRUARY 16th, 1866.

The Senate met at the usual hour, and was opened with prayer by Rev. W. R. White.

The journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES. }  
February 15, 1866. }

The House of Delegates has this day passed Senate Bill No. 10, "A Bill securing liens to Mechanics, Laborers and others," and Senate Bill No. 48, "A Bill permanently locating the county seat of Jefferson county at Shepherdstown."

It has also passed and respectfully asks the concurrence of the Senate in House Bill No. 77, "A Bill to repeal chapter eight of the acts of 1865," and House Bill No. 79, "A Bill to charter a road in Gilmer, Ritchie and Tyler counties."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

The said House Bills were each read the first time, and No. 77, referred to the Committee on the Judiciary, and No. 70, to the Committee on Internal Improvements and Navigation.

Mr. Maxwell, from the Committee on the Judiciary, reported back House Bill No. 44, entitled "A Bill to repeal section 22 and 23, of chapter 163, of the code of Virginia, second edition," recommending its passage; and it was read the second time and ordered to its third reading.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported back House Bill No. 29, entitled "A Bill to construct a Mill Dam across Elk river at Sutton, Braxton county, and Mr. Burdett, from the Committee on Finance and Claims, reported back House Bill No. 33, entitled "A Bill for the relief of St. Clair Rains, of Kanawha county," recommending their passage; and they were each read the second time, and ordered to their third reading.

Mr. Burdett, by leave, introduced Senate Bill No. 62, entitled "A Bill to repeal the act to prevent the prosecution of suits and the suing out of process by persons engaged in the rebellion," which was read the first time, and referred to the Committee on the Judiciary.

Senate Bill No. 57, entitled "A Bill to legalize the poor tax levied by the county court of Berkeley county, in the year 1863," was read the third time and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Wright—18.

NAYS—None.

Senate Bill No. 60, entitled "A Bill amending the charter of the town of Martinsburg," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Price, Slack and Wright—18.

NAYS—None.

House Bill No. 61, entitled "A Bill constituting a certain part of the bank of the Ohio river, within Jackson county, a lawful fence," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Price, Slack and Wright—18.

NAYS—None.

House Bill No. 57, entitled "A Bill to provide a Penitentiary for the State," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—19.

NAYS—None.

House Bill No. 72, entitled "A Bill to amend and re-enact the 2nd section of an act concerning Licenses, passed November 28th, 1863," was read the third time, and rejected:

YEAS—Messrs. Stevenson, (President,)—1.

NAYS—Messrs. Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Price, Slack and Wright—17.

On motion of Mr. Burdett, House Bill No. 59, entitled "A Bill to prevent further taxation of soldiers' property for bounty purposes," was laid on the table.

On motion of Mr. Mahon, Senate Bill No. 51, entitled "A Bill to abolish the office of county Treasurer," was laid on the table.

Senate Bill No. 52, entitled "A Bill to amend and re-enact the act regulating allowances to county officers," was amended, on motion of Mr. Maxwell, by inserting after the word "dollars," in the 18th line, the words "recorder's not less than twenty-five or more than one hundred dollars," and by adding the following additional section:

"2. The act passed March 3, 1864, entitled 'An Act to regulate allowances to Recorders,' is hereby repealed."

The bill was then read the second time, and ordered to be engrossed.

Senate Bill No. 53, entitled "A Bill to relinquish to the Maryland and Virginia Bridge Company, the stock in said Company belonging to the State," was read the second time, and ordered to be engrossed.

Senate Bill No. 56, entitled "A Bill in relation to actions of detainue," was read the second time, and ordered to be engrossed.

The following message was received from the Governor, which was read and referred to the Committee on Humane and Criminal Institutions:

STATE OF WEST VIRGINIA,  
EXECUTIVE DEPARTMENT,  
Wheeling, Feb. 16, 1866. }

*To the Senate and House of Delegates:*

As authorized by a resolution of the Legislature, adopted January 22, 1866, I appointed M. J. Amiss, Esq., of Wood county, an agent, for the purpose indicated in the resolution, who proceeded to the Lunatic Asylums, at Williamsburg and Staunton, Virginia, and having executed the commission confided to him, has returned and made a report in writing, which is herewith communicated.



From this report it will be seen that there are thirteen (13) patients in the Asylum at Williamsburg, who were sent there from counties now within this State; and that there are ninety-three (93) patients in the Asylum at Staunton, who were sent there from counties now within this State. Three of the latter appear to have estates out of which, or friends by whom, they have been supported.

An exhibit accompanying the report gives the names of the parties now at Williamsburg; the date of their admission, and the counties they are respectively from. There is also, with the report a list of the patients who now are, or have been, at the Asylum at Staunton, since September 30, 1860, which gives the date of their admission, and of the discharges and deaths, and the counties from which they were respectively received.

It occurred to me, in preparing the letter of instruction for Mr. Amiss, that the Legislature might think proper at this session to make provision for paying for the support of the patients from the end of the war, and with that view, I directed him to ascertain what was claimed for such support from May 1, 1865, to the beginning of the fiscal year. This he has reported. But on further reflection it seems to me that it would be advisable for this Legislature to confine its appropriation for the support of these patients to the current fiscal year, leaving the claim for previous support, as a part of the contemplated settlement between the two States.

It will also be seen that the Superintendent of the Asylum at Williamsburg informed the agent that the charge for the support of the patients at that institution would be seven dollars (\$7) per week each until they were removed; and that the Board of Directors of the Asylum at Staunton have proposed to accommodate the patients at that institution for the present year at the average cost to them, which it appears is two hundred and four dollars (\$204) per annum for each patient. I therefore recommend that you make the necessary appropriation to pay for the support of these insane persons for the current year.

In laying the report of the agent before you, I deem it my duty to call your attention to the orders of the Board of Directors of the Asylum at Staunton, accompanying his report, and especially to the latter part of the last order of the series, in which it will be seen the directors express the "hope that the Government of West Virginia will use all practicable diligence to have these patients from that State removed at as early a day as possible, as the room now occupied by them is greatly needed for patients from the State of Virginia." It will thus be seen that it is expected that these unfortunate citizens of our State will not be allowed to remain in that institution, but will be provided for elsewhere at the earliest possible period. This can only be done by the speedy completion of our own Hospital; and I feel that I would be omitting my duty if I were to let this occasion pass without again urging upon the Legislature the making of a liberal appropriation for this purpose. Shall we, while assuming the character of a State, continue to be dependent upon a neighboring State for the accommodation of this class of our citizens, when we are informed that this accommodation by that State is to the exclusion of its own afflicted people from the benefits of the institution referred to, and when we have the



means at our command to speedily provide for them within our own State. While I do not suggest the precise sum that should be appropriated for this purpose, I trust that it will be the pleasure of the Legislature to make it commensurate with the imperative necessities of the case.

A. I. BOREMAN.

WHEELING, WEST VIRGINIA, }  
February 12, 1866. }

To A. I. BOREMAN,

*Governor of West Virginia :*

SIR :—In compliance with the accompanying order of my appointment, and resolution of the Legislature of West Virginia, adopted on the 22d day of January, 1866, I visited the Eastern Lunatic Asylum at Williamsburg, Va., and the Western Lunatic Asylum at Staunton, Va., and in pursuance of said order, make my report to you :

*First*, I herewith present a written statement of Dr. Leonard Henley, Superintendent and Physician of the Eastern Lunatic Asylum, showing the number of patients now in said asylum to be thirteen (13), chargeable to the State of West Virginia, and they claim for their support, from May 1st, 1865, to January 1st, 1866, the sum of three thousand two hundred and sixteen dollars and twenty-nine cents (\$3215<sup>29</sup>/<sub>100</sub>.) and charge \$7 per week for each patient until removed.

I further report, that the superintendent at this asylum afforded me every facility in his power to obtain the information required, and I believe the statement furnished by him contains the facts.

I was conducted through the asylum, and found it cleanly and as comfortable as it could be under the circumstances. They are, however, deprived of many of the conveniences and comforts heretofore enjoyed. Their gas and water works are unfit for use. They are compelled to use wood in stoves to heat the apartments, and candles for lights, &c.

*Second*, I herewith present the resolutions of the Board of Directors of the Western Lunatic Asylum, and the statement of Dr. Francis T. Stubbing, Physician and Superintendent, made in pursuance of said resolutions.

From said statement, I ascertain that there are, at this time, in the Western Lunatic Asylum from the counties of West Virginia ninety-three (93) patients. Three of them have heretofore paid for their own support, which leaves ninety (90) chargeable to the State at the sum of \$204 per annum for each one.

The resolutions of said Board seem to claim that the State of West Virginia should be held accountable for the support of her patients in said asylum from September 30, 1860, and with that view the statement furnished by the Superintendent embraced that period up to the present time!

Not being satisfied that the State of West Virginia should pay for the whole time from September 30th, 1860, up to January 1st,

1866, without any credit, I have made no estimate, but must submit the fixing of the time and basis of settlement to your honor and the State authority. I have, however, from said statement ascertained the cost of supporting the said patients from May 1st, 1865, up to January 1st, 1866, to be \$12,451<sup>35</sup>/<sub>100</sub>, and to support the patients now in said asylum for one year from January 1st, 1866, \$18,360.

From the foregoing it will be seen that there are now  
 in the Eastern Lunatic Asylum-----13 patients.  
 In the Western Asylum-----93       “

Total-----106 patients,

For which provision should be made as soon as possible in our own State Asylum, because of the heavy expense of supporting them outside of our own State; and further, we may be required to remove them, and if so required to remove them, without having provided a suitable place or apartments in our own asylum, the expense and trouble will be greatly increased.

All of which is respectfully submitted,

M. P. AMISS, *Agent*.

---

THE STATE OF WEST VIRGINIA,       }  
 EXECUTIVE DEPARTMENT,       }  
 WHEELING, Jan'y 25, 1866. }

M. P. AMISS,

*Parkersburg, West Va :*

SIR:—You are appointed in pursuance of the enclosed resolution, adopted by the Legislature on the 22d of January, 1866, to proceed to Williamsburg, and Staunton, Virginia, and ascertain the number of insane persons in the asylums at each of those places who were sent from within this State—what counties they are from, respectively—their names—and whether they are such as are supported from their own estates, or their friends, or entitled to be supported by the State.

You will, also, ascertain what sum is claimed for the support of these patients at those institutions; and especially and separately ascertain the amount claimed for their support from the 1st day of May last (that being a few days after the surrender of the rebel armies,) until the 1st day of January, 1866. And will further ascertain on what terms and at what cost they will be supported for the current year, beginning January 1st, 1866.

After you have ascertained these facts, and such others as you may deem pertinent in regard to this matter, you will please return and report to me, as required by the enclosed resolution.

Very Respectfully,

A. I. BOREMAN, *Governor*.

---

*Resolved by the Legislature of West Virginia :*

That the Governor be authorized to employ an agent, who shall proceed immediately to Staunton and Williamsburg, Virginia, for

the purpose of ascertaining the number of insane persons in the asylum at each of these places, who were sent from within this State; the amount claimed at each institution for their support to the 1st of January, 1866, and the terms on which they can remain in these institutions for the current year, and that he make a report to the Governor, to be laid before the Legislature.

Adopted, Jan. 22, 1866.

---

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, January 25, 1866.* }

I certify that the foregoing is a true transcript from the record in this office.

WM. P. HUBBARD,  
*Clerk House of Delegates, and Keeper of the Rolls.*

List of insane persons from West Virginia in Western Lunatic Asylum of Virginia, since October 1, 1860. Made Feb. 8 1866.

Name	County.	Date of Admission.	Discharged, Dead or Eloped—Date.
John Mitchell	Berkeley,	1828, Sept. 20	Remains.
Wm. H. Hickman	Jefferson,	1829, Apr. 8	Died, Nov. 5, '64
John Buffington	Cabell,	1836, Nov. 2	Remains.
Chas. F. M. Craighill	Jefferson,	1839, Nov. 15	"
Almida Mahew	Ohio,	1841, July 22	"
Wm. Elgin	Marshall,	" Dec. 25	Died, Nov. 4, '60
Alfred Mather	Harrison,	" " 28	Remains.
Jacob Sheets	Wood,	1842, Jan. 24	Died, J'y 30, '63
Thomas Flinn	Jefferson,	" Apr. 15	" Dec. 11, '63
David Deford	Ohio,	" Oct. 10	Remains.
Daniel McFadden	Jefferson,	1844, Feb. 28	"
Wm. Alverson	Hampshire,	" Mar. 21	"
Thomas Hull	Wayne,	1845, Feb. 6	"
Joseph Richard	Jefferson,	" Apr. 30	"
Anthony Dold	Greenbrier,	" Aug. 29	"
Samuel Donaghe	Ohio,	" Sept. 24	"
Sarah M. Crumbecker	"	" " 24	"
*Wm. Small	Berkeley,	1846, Jan. 8	"
Rebecca Marlow	Ohio,	" Nov. 14	Died Jan. 29, '62
Malcher Barchett	Mercer,	1847, Jan. 22	Remains.
Mary King	Harrison,	" May 8	Died, J'y 11, '61
Elizabeth Townsend	Ohio,	1848, Feb. 17	Remains.
Nancy Clendennin	Putnam,	" Dec. 22	Died June 1, '65
Mary Bashore	Berkeley,	1850, Jan. 26	" Sep. 25, '64
David Cotton	Monongalia	" Feb. 3	" Ap. 23, '64
C. E. Brown	Putnam,	" " 11	Remains.
Reuben Swiger	Harrison,	" " 20	"
James Louks	Randolph,	" " 27	Died, Oct. 11, '62
James Durgan	Fayette,	" Apr. 18	" J'y 2, '62
Abraham Kemp	Jefferson,	" " 30	Remains.
Thos. J. Larew	"	" " 30	Died, Ap. 13, '64
Eunice Phillips	Monongalia	" July 8	Remains.
Wm. Black	Harrison,	" Aug. 19	"
Helen Lynch	Hardy,	" Sept. 3	"
Mary Williams	Kanawha,	" " 26	"
Isabella Logsdon	Marshall,	" Oct. 13	"
Wm. Irby	Cabell,	" Nov. 6	Died, Mar. 7, '63
Mary J. Smart	Hardy,	" " 8	Remains.
Joseph Bear	Ohio,	" " 20	"
Almarinda Smith	Wayne,	1851, Jan. 3	"
Mary A. Demos	Berkeley,	" " 22	"
Richard Morrison	"	" Feb. 18	"
Christina Buckhart	"	" Mar. 6	"
Chas. Howard	"	" " 14	"
Wm. T. Parker	Hampshire,	" Apr. 6	"
Timothy Clutter	Pocahontas,	" " 29	"

\*Pay Patients.

LIST—CONTINUED.

Name.	County.	Date of Admission.	Discharged Dead or Eloped—Date.
Addison Cooper-----	Hampshire,	1851, June 9	Died Nov.13,'65
Mary A. Kidder-----	Jefferson,	" " 12	Remains.
George Ganzart-----	Marion,	" July 16	"
Mary Price-----	Ohio,	" Sept. 24	"
Rebecca J. Jarrell-----	Mercer,	" Oct. 30	Died, July 5,'61
Thos. O. Donnell-----	Berkeley,	" " 31	Remains.
W. T. Randolph-----	Doddridge,	" Nov. 3	Died, Apr.11,'63
Nancy E. Maze-----	Gilmer,	1852, Jan. 14	Remains.
Ed. W. Brown-----	Greenbrier,	" Mar. 19	Died, Aug. 6,'63
John Weyman-----	Ohio,	" " 24	" Feb. 28,'61
J. R. N. Dorsey-----	Jefferson,	" " 30	Remains.
Eugenias H. Little-----	Marion,	" May 11	"
*John T. Fryatt-----	Berkeley,	" June 25	Died, Nov.15,'63
Bridget Ward-----	Randolph,	" July 16	Remains.
Ellen J. Keywood-----	Jefferson,	" Aug. 12	"
Geo. R. C. Price-----	Hardy,	" Sep. 5	"
Robt. N. Pine-----	Kanawha,	" " 18	"
Martha A. McGuffin----	Randolph,	" Nov. 19	"
Jeremiah Conner-----	Berkeley,	" Dec. 5	"
John Cavanagh-----	Gilmer,	1853, Apr. 15	"
Lorenzo Nelson-----	Hampshire,	" May 7	"
Elizabeth Keesling-----	Upshur,	" June 2	"
Robert McClintic-----	Greenbrier,	" July 21	"
Margaret Hall-----	Marion,	" Aug. 19	"
Jas. A. Nettle-----	Monroe,	" Sep. 17	"
Jeremiah Echols-----	Ohio,	" " 20	"
Israel Heafer-----	Jefferson,	" Oct. 1	"
Martha E. Maupin-----	Cabell,	" Nov. 22	"
Rachel Lowry-----	Greenbrier,	" " 29	"
Jas. F. Duke-----	Jefferson,	" Dec. 6	"
Wm. McFerris-----	Greenbrier,	1854, Apr. 17	"
Thomas Carey-----	Wayne,	" July 30	"
Mark B. Kounes-----	Mason,	" Aug. 18	Died, Feb. 4,'62
William Morrow-----	Harrison,	" Nov. 7	Remains.
James Nuzam-----	Taylor,	1855, Jan. 24	"
John Schrack-----	Ohio,	" Mar. 29	Eloped Oct.1,'65
John Woody-----	Putnam,	" April 7	Died, Jan.20,'62
Phebe A. Anderson-----	Wetzel,	" " 13	Died, Feb.28,'65
Thos. C. Parker-----	Upshur,	" Aug. 1	Remains.
Andrew J. Evans-----	Wetzel,	" Oct. 10	Died, June18,'63
Curtis Dailey-----	Berkeley,	" Dec. 2	Died, Oct.18,'60
Sebastian Eaty-----	Jefferson,	1856, Feb. 5	Remains.
Rosa A. Bowman-----	Berkeley,	" Mar. 18	Died, May 3,'63
Hansford N. Cooper-----	Marshall,	" " 24	Died, Feb. 8,'61
James Ellis-----	Greenbrier,	" Apr. 26	Remains.
John Sullivan-----	Berkeley,	" May 8	Died, Oct.18,'64
Abby C. Ludwick-----	Hampshire,	" " 16	Remains.
Elizabeth Reynolds-----	Barbour,	" June 30	"

\*Pay Patients.



## LIST—CONTINUED.

Names.	County.	Date of Admission.	Discharged, Dead or Eloped—Date.
William Boley-----	Jefferson,	1856, July 15	Remains.
Jackson Edwards-----	Barbour,	" Aug. 1	"
George Davis-----	Greenbrier,	" Sep. 18	"
Mary E. McKein-----	Brooke,	1857, Mar. 10	"
Mary J. Irwin-----	Lewis,	" Apr. 11	"
Edward W. Stephens--	Ohio,	" June 3	"
Mary Burdent-----	Greenbrier,	" Aug. 8	"
Margaret Sensler-----	Preston,	" Aug. 21	Died Ap. 25, '64
Elizabeth Gaertner-----	Ohio,	" Aug. 27	Died J'y 27, '62
Emy Hardway-----	Kanawha,	" Nov. 24	Remains.
Jane McCloy-----	Jefferson,	1858, June 22	"
Margaret Cunningham--	Kanawha,	" June 29	Died May 14, '63
John Mone-----	Ohio,	" July 16	Remains.
Matthew Collins-----	Mason,	" Dec. 13	Died Feb. 22, '64
George Stein-----	Jefferson,	1859, Feb. 16	Remains.
Augustus Wilson-----	Raleigh,	" Mar. 16	"
Western R. Moss-----	Monroe,	" Mar. 25	Died Nov. 16, '62
Thomas Lyon-----	Berkeley,	" July 17	Died Jun. 10, '64
Luther O. Howes-----	Barbour,	" Oct. 22	Remains.
Lydia Keister-----	Greenbrier,	" Nov. 7	"
Ann Smith-----	Cabell,	" Dec. 7	Discharged, cured, October 23, 1860.
John Weinheim-----	Jackson,	1860, Feb. 27	Remains.
William Dillon-----	Taylor,	" Apr. 20	Died Nov. 5, '62
Margaret Neel-----	Monroe,	" May 10	Died Sep. 10, '62
Martin Fansler-----	Randolph,	" June 16	Remains.
Thomas Nichols-----	Logan,	" July 8	Discharged, cured, March 5, 1861.
Polly Blankenship-----	"	" " "	Remains.
Samuel Westwood-----	Ohio,	" Sep. 7	"
Maria Eagan-----	Marion,	" Sep. 20	Died Ap. 11, '64
Joseph Kempt-----	Hancock,	" Sep. 26	Discharged, cured, Sep. 30, 1861.
Virginia McCutcheon-----	Nicholas,	" Oct. 1	Discharged, cured, Nov. 3d, 1861.
Elizabeth A. Hurt-----	Monroe,	" Oct. 18	Discharged, cured, June 17, 1862.
*Abney W. Hogg-----	Mason,	" Oct. 27	Discharged, cured, Nov. 16, 1865.
Bridget Foley-----	Jefferson,	" Nov. 1	Discharged, cured, Jan. 6, 1862.
Giles C. Hamill-----	"	" Nov. 15	Discharged, cured, Nov. 30, 1861.
*Ephraim M. Grace-----	Hampshire,	" " "	Discharged, cured, Apr. 21, 1861.
Jacob C. Roach-----	Mason,	" Nov. 17	Remains.
Ann M. Kidwell-----	Hampshire,	" Nov. 30	Discharged, cured, Dec. 17, 1861.
James Nolon-----	Berkeley,	" Dec. 15	Remains.
Joanna Kettzmer-----	Jefferson,	1861, Feb. 28	Discharged, cured, Sep. 30, 1861.
Arch M. Douglass-----	"	" May 14	Remains.
Elizabeth Snyder-----	Randolph,	" June 7	"
*Peter J. White-----	Putnam,	" June 14	"
Thos. M. Parkins-----	Greenbrier,	" July 4	Discharged, cured, Sep. 13, 1862.
*Ann D. Scott-----	Hardy,	" July 27	Remains.
*Wm. S. Parker-----	Hampshire,	" Aug. 12	Discharged, cured, Sep. 30, 1861.
Wm. Price-----	Greenbrier,	" Aug. 22	Discharged, cured, June 23, 1862.

\*Pay Patients.

LIST—CONTINUED.

Name.	County.	Date of Admission.	Discharged, Dead or Eloped—Date.
Elijah Ramsburg .....	Berkeley,	1862, Apr. 7	Discharged, cured, April 8, 1862.
*Catharine M. Nicholson	Jefferson,	" Aug. 1	Discharged, cured, Nov. 30, 1863.
Henry Farley .....	Logan,	1863, Sept. 17	Remains.
Thomas Nickels .....	"	" " "	Discharged, cured, April 9, 1864.
Joseph Noel .....	Hampshire,	1864, July 2	Remains.
*William S. Parker .....	"	" Aug. 30	Discharged, cured, Aug. 29, 1865.
Susan McDowell .....	Greenbrier.	1865, Feb. 16	Remains.

\*Pay Patients.

Copy from Register.

FRANCIS T. STRIBLING,

*Physician and Superintendent.*

EASTERN LUNATIC ASYLUM,  
WILLIAMSBURG, Va., Feb. 2, 1866. }

M. P. AMISS, ESQ. :

SIR:—In compliance with the resolution of the Legislature of West Virginia, requesting the Superintendent to furnish the Commissioner with the names and residences of all insane persons in this Institution, alleged to have been sent from within the limits of that State before the war, and to ascertain the amount claimed for their support, from the 1st of May, 1865, to the 1st of January, 1866; also, what arrangements can be made for their continuance here, until they can be provided for in your asylum, is herewith respectfully furnished.

It would afford me much pleasure to be able to furnish you a full and detailed account of the insane, when admitted, also their pecuniary condition, now under my care, but I am sorry to say that the records of the Institution were destroyed or so mutilated that I am compelled to confine myself strictly to the resolution of the Legislature, and furnish the names, counties, the amount due for support for the time specified, and what will be charged per head, per week.

John L. Heller, from Randolph, Feb. 14, 1837.  
Martin Quackenbush, from Monroe, April 12, 1843.  
Martha Sommerville, from Harrison, April 3, 1844.  
George Perry, from Jefferson, March 23, 1847.  
Louisia Wagner, from Ohio, January 19, 1847.  
Mundly I. Bowie, from Harrison, Jan. 13, 1855.  
Francis Boyd, from Harrison, June 30, 1855.  
William Maxwell, from Hancock, Feb. 2, 1857.  
Louisa Swartz, from Wood, Aug. 20, 1857.  
Virginia Raum, from Jefferson, April 22, 1859.  
Cynthia Farrell, from Kanawha, Feb. 9, 1861.  
Thos. Florence, from Ohio, Feb. 14, 1861.  
Wm. Alexander, from Lewis, March 20, 1861.

Total, 13.

Amount claimed, \$2,215,29 to 1st January, 1866.

We will charge seven dollars per week for each patient until removed.

Yours, Very Respectfully,

LEONARD HENLY,  
*Superintendent and Physician.*

---

At a meeting of the Board of Directors of the Western Lunatic Asylum, convened for the purpose of considering a communication from the Governor of West Virginia, present, Alex. H. H. Stuart, John Wayt, Benjamin F. Points, Henry H. Peck, Benjamin Crawford, Edwin M. Taylor, and Wm. C. Eskridge. The communication of Gov. Boreman having been read,

On motion of Edwin M. Taylor, ordered that the Superintendent furnish M. P. Amiss, Agent for the State of West Virginia, a list of all the patients from West Virginia, who are now or have been

in the asylum since the 30th of September, 1860, with the date of their admission, and discharge or death, and the counties from which they have respectively been received.

*Ordered*, That it be communicated to the Governor of West Virginia, as the sense of this Board, that inasmuch as the whole expense of maintaining the asylum and its inmates since the close of the fiscal year 1860, has been borne by taxation levied exclusively on the people of Virginia, justice requires that the State of West Virginia should pay a part of the cost of maintaining the asylum from that date, proportioned to the number of her patients in the asylum.

*Ordered*, That it be made known to the Governor of West Virginia that the aggregate cost of maintaining the asylum, divided by the whole number of patients, exhibits the average cost of maintenance to be two hundred and four dollars (\$204) per annum.

*Ordered*, That the Superintendent inform the agent of West Virginia, that the Board is willing in a spirit of comity to accommodate the patients from West Virginia in the Western Asylum for the present year, at the rate of two hundred and four dollars (\$204) per annum, but that they earnestly hope that the Governor of West Virginia will use all his practical diligence to have these patients from that State removed at as early a day as possible, as the room now occupied by them is greatly needed for patients from the State of Virginia.

A copy—Test.

W. C. ESKRIDGE, *Clerk p. t.*

FEBRUARY 8, 1866.

On motion of Mr. Corley, House Bill No. 42, entitled "A Bill to establish a permanent seat of government for the State of West Virginia," on its second reading was taken from the table.

And the question arising on the amendment proposed by the Committee, to strike out of the first section the words "Buckhannon, in the county of Upshur," and insert in lieu thereof, the words "Clarksburg, in the county of Harrison."

Mr. Maxwell demanded a division of the question, and the motion then being to strike out of the first section the words "Buckhannon, in the county of Upshur,"

On motion of Mr. Hawkins, the Senate took a recess until 2½ o'clock, P. M.

AFTERNOON SESSION.

The Senate re-assembled.

Pending the consideration of the question before the Senate at the hour of recess,

Mr. Chapline moved that it be made the special order for to-morrow at 11 o'clock, A. M., which was agreed to.

The Senate then adjourned.

SATURDAY, FEBRUARY 17, 1866.

The Senate met at the usual hour, and was opened with prayer by Rev. Mr. Monroe, after which the journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, Feb. 16, 1866.* }

The House has this day passed and respectfully asks the concurrence of the Senate in

House Bill No. 75, "A Bill to transfer certain lands in Ohio county to the Boards of Education of certain townships therein."

House Bill No. 87, "A Bill for the relief of Francis H. Peirpoint," and

House Bill No. 88, "A Bill to dispense with the assessment of back taxes in certain counties."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Said bills were read the first time, and No. 75 was referred to the Committee on Education, No. 87 and 88 were referred to the Committee on Finance and Claims.

Mr. Price, from the Committee on Townships, reported back House Bill No. 56, entitled "A Bill to consolidate the towns of Moundsville and Elizabethtown," recommending its passage.

On motion of Mr. Price, said bill was amended by striking out the word "city" wherever it occurs in the bill, and inserting in lieu thereof, the word "town."

On motion of Mr. Burley, the words "General Assembly" were stricken out of the 5th line of the seventh section, and the word "Legislature" inserted, and the word "execution" was stricken out of the 8th line of the 8th section, and the word "writ" inserted.

Pending the second reading of said bill, on motion of Mr. Burley, the bill was referred to the Committee on the Judiciary.

Mr. Price, from the Committee on Townships, reported back Senate Bill No. 61, entitled "A Bill allowing the Boards of Supervisors of the counties of this State to subscribe stock to any Rail Road Company," recommending that it do not pass; and the Senate refused to read the bill the second time.

Mr. Burdett, from the Committee on Finance and Claims, reported back House Bill No. 32, entitled "A Bill making an appropriation to Robertson Cook," recommending its passage.

On motion of Mr. O'Brien, the bill was laid on the table.



Mr. Burdett, from the same Committee, reported that it is inexpedient to legislate upon the subject of reducing the license upon billiard saloons; and the report was adopted.

On motion of Mr. Dix,

*Resolved*, That the Committee on Internal Improvements and Navigation inquire into the expediency of appropriating four thousand dollars for the purpose of re-building the bridge across Pocotalico River on the Charleston and Point Pleasant Turnpike, in Putnam county.

Mr. Haymond presented the petition of citizens of Gilmer, Ritchie and Tyler, praying for the passage of a law chartering a certain road, which was referred to the Committee on Internal Improvements and Navigation.

Senate Bill No. 52, entitled "A Bill to amend and re-enact the act regulating allowances to county officers," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

Senate Bill No. 53, entitled "A Bill to relinquish to the Maryland and Virginia Bridge Company, the stock in said Company belonging to the State," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

Senate Bill No. 56, entitled "A Bill in relation to actions of detainue," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

House Bill No. 29, entitled "A bill to construct a mill dam across Elk River, at Sutton, Braxton county," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

House Bill No. 33, entitled "A Bill for the relief of St. Clair Rains, of Kanawha county," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

House Bill No. 44, entitled "A Bill to repeal sections 22 and 23 of chapter 163, Code of Virginia, second edition, was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

Mr. Burdett was directed to inform the House of Delegates of the passage of Senate Bill No. 52, entitled "A Bill to amend and re-enact the act regulating allowances to county officers," and request their concurrence therein.

The hour of 11 o'clock, A. M., having arrived, the Senate proceeded to the consideration of the special order, that being House Bill No. 42, entitled "A Bill to establish a permanent seat of government for the State of West Virginia," the question being on the motion to strike out the words "Buckhannon, in the county of Upshur."

Upon this question, Mr. Corley demanded the yeas and nays, which were ordered.

But Mr. Stevenson, (Mr. Burdett in the chair,) moved that the further consideration of said bill be postponed indefinitely; and upon this question Mr. Corley demanded the yeas and nays, which were ordered—

When, on motion of Mr. Burdett, the bill was laid on the table.

A message from the House of Delegates, by Mr. McWhorter, announced that that body had adopted, and asked the concurrence of the Senate in, House Joint Resolution No. 17, as follows :

WHEREAS, while it was no doubt the desire and intention of the authorities of the United States to protect the loyal people of West Virginia during the late war, by United States troops, from the inroads and devastation of the enemy, and for this purpose posts were established at several points along the border of the State; yet on account of the great necessity for troops elsewhere; of our proximity to the enemy—a part of our State being occupied by his forces during a great portion of the time—of the fact that there were many in our midst who were traitors at heart, and who, while they professed submission to the laws, were ready to, and did frequently, secretly co-operate with their friends who had taken up arms against their country; and of the peculiar character of the controversy, strife and war which existed in our State, where families, friends and neighbors were separated and arrayed in deadly hostility on the subject of the rebellion, and the means used for its

suppression ; all these made it impracticable for the government to afford that protection to the loyal people, against rebel guerrillas, robbers and murderers, which they were entitled to, and which was necessary to enable them to remain at their homes and provide the means of support for themselves and families ; and it therefore became the duty of the State to provide that protection for its loyal citizens—especially in the border and more exposed counties—which it was manifest the United States did not, and under the circumstances, probably could not do. And for this purpose Independent Companies were organized under State authority, and were kept on duty in the counties most exposed and liable to the greatest injury at the hands of their armed bands of rebel robbers and murderers ; and were paid for their services out of the treasury of the State, in pursuance of appropriations made by the Legislature for that purpose, and the moneys thus paid out amount in the aggregate to the sum of two hundred and thirteen thousand, nine hundred and eighty-eight dollars, and forty-two cents (\$213,988.42.)

And whereas, in September, 1863, a company of the militia of Upshur county were under arms for the protection of their neighborhood, and while thus under arms were attacked and overpowered by a superior force of the enemy, and sixty-eight (68) of their number were captured and carried off to Southern prisons, where forty-five (45) of them died, and the survivors returned with constitutions broken down and destroyed by the cruel and inhuman treatment received while in prison ; and under an appropriation made by the Legislature for the purpose, the State has paid to those of this company who returned and to the families of those who died, thirteen dollars per month, for the time only that they were prisoners, amounting to the sum of six thousand nine hundred and fifty dollars and eighty cents (\$6,950.80.)

And whereas, the evidence of the payments so made, although somewhat informal, is nevertheless in the office of the Quartermaster General of the State, and is regarded by this Legislature as sufficient proof that the payments have been made.

And whereas, it appears from the report of the Board of Claims, created by an act of the Legislature, that claims to the amount of one hundred and forty-seven thousand, six hundred and nine dollars and ten cents (\$147,609.10) have been audited by said Board for services rendered by militia of this State, since the 20th day of June, 1861 ; for subsistence furnished the militia when called into service ; for the expenses of transportation of such militia, and of supplies for their use, and for subsisting and equipping volunteer recruits subsequently mustered into the United States service.

And whereas, this State has furnished its full proportion of troops to the United States army during the late war, exclusive of the State companies mentioned ; therefore,

*Resolved by the Legislature of West Virginia :*

That in view of the facts above recited, which are hereby affirmed to be true ; and inasmuch as the sums of money paid by the State as aforesaid, were paid to State troops who supplied the place of a

like number of United States troops, and who afforded a local protection, which it seemed impossible otherwise to secure; and the claims audited by the Board as aforesaid for the services of the militia of the State, &c., said sums amounting in the whole to three hundred and sixty-eight thousand, six hundred and forty-eight dollars and thirty-seven cents, (\$368,648,37) in the opinion of this Legislature constitute a just demand against the United States, and should be paid by the United States to this State.

2. That the Governor be requested to furnish our Senators and Representatives in Congress, copies of these resolutions, and also place in their hands evidence of the payment of the claims herein mentioned, and the claims audited by the Board, as aforesaid, in order that they may lay the same before Congress, and take such action as in their opinion will secure an appropriation by that body, to repay to the State the money paid out as herein set forth, and to pay the claims audited by the Board of Claims for this State before mentioned.

On motion of Mr. Maxwell, the resolution was adopted.

The Senate then adjourned.

---

MONDAY, FEBRUARY 19, 1866.

The Senate was opened with prayer by Rev. B. W. Chidlan of Cincinnati.

The journal of Saturday was read and approved.

The following communication was received from the House of Delegates :

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, February 17, 1866.* }

The House has this day passed Senate Bill No. 2, "A Bill to prevent and punish the forcible or unlawful obstruction of public justice."

Senate Bill No. 43, "A Bill better to provide for the distribution of the acts," and

Senate Bill No. 44, "A Bill making an appropriation for the Antietam National Cemetery;" it has also passed and respectfully asks concurrence by the Senate in

House Bill No. 80, "A Bill to dissolve and close the branch of the Exchange Bank of Virginia, at Weston."

House Bill No. 114, "A Bill to ratify on certain terms the act of the General Assembly of Virginia, passed February 3, 1866, relating to the Virginia Canal Company."

House Joint Resolution No. 18, "In reference to printing the Governor's message concerning lunatics from this State in Virginia Asylums."

*Resolved by the Legislature of West Virginia,*

That two thousand copies of the Governor's message concerning lunatics from this State, now in the lunatic asylums of Virginia,



with the documents accompanying it, be printed for the use of the two Houses, and

House Joint Resolution No. 19, "Proposing to celebrate the anniversary of Washington's birthday."

*Resolved by the Legislature of West Virginia*, That the Senate and House of Delegates meet in joint session in the hall of the latter on Thursday the 22d inst., at 10 o'clock A. M., and that Washington's farewell address be read upon the occasion.

WM. P. HUBBARD,  
*Clerk House of Delegates.*

The said resolutions were adopted, and said House Bills read the first time, and No. 80 was referred to the Committee on Banks and Corporations, and No. 114, to the Committee on Internal Improvements and Navigation.

Mr. Maxwell, from the Committee on the Judiciary, reported back House Bill No. 13, entitled "A Bill relating to suits brought against Supervisors and Inspectors of Elections, and providing for the payment of their costs in defending the same," recommending its passage; and it was read the second time, and ordered to its third reading.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported back, without recommendation, Senate Bill No. 20, entitled "A Bill to amend the charter of the West Virginia Central Railway Company."

The said bill coming up on its second reading, Mr. Burley offered a substitute therefor, entitled "A Bill to incorporate the Covington and Ohio Railway Company," which was ordered to be printed.

On motion of Mr. Burley, the bill and substitute were laid on the table.

Mr. Dix, by leave, introduced Senate Bill No. 63, entitled "A Bill to transfer the Point Pleasant Academy to the Board of Education, of Lewis township in Mason county," which was read the first time, its printing dispensed with, and referred to the Committee on Townships.

On motion of Mr. Peck,

*Resolved*, That the Judiciary Committee inquire into the necessity of appropriating a sum of money sufficient to bring up the law library to this time.

Mr. Burdett, offered Senate Joint Resolution No. 10, "Endorsing the reconstruction policy of President Johnson," as follows:

*Resolved by the Legislature of West Virginia*, That we hereby endorse the policy of Andrew Johnson in organizing State governments in the States lately in rebellion, and in extending the lawful authority of the general government over the same.



Mr. Burdett, moved that the rules requiring joint resolutions to lie on the table one day, be suspended; but the motion was rejected; and so the resolution lies over.

On motion of Mr. Hawkins, House Bill No. 30, entitled "A Bill to provide for a re-assessment of the value of all the real estate within this State," on its second reading was taken from the table.

On motion of Mr. Haymond, the words "and correct mistakes as to quantity of land assessed," were inserted after the word "manner," in the 18th line of the 7th section.

Mr. Mahon, moved that the first section of the bill be amended by striking out of the 3d and 4th lines the words "assessor's district," and inserting in lieu thereof the word "townships;" but the motion was lost.

Mr. Peck, moved that the bill be recommitted, but the Senate disagreed to the motion.

On motion of Mr. Maxwell, the words "twelfth day after the fourth Thursday in April," were stricken out of the first section on engrossed bill, and "twentieth day of July" inserted.

On motion of Mr. Kitchen, the words "(or the judge of the circuit court, *as the case may be*)," were inserted after the word "county" in the 2d line of the obligation contained in section 6.

On motion of Mr. Burley, the words "or erroneous as to quality," were inserted after the word "value," in the 11th line of the 7th section.

The bill was then read the second time and ordered to be read the third time.

The Senate adjourned.

---

## TUESDAY, FEBRUARY 20th, 1866.

The Senate was opened with prayer by Rev. Mr. Dix, member of the Senate.

The journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES. }  
February 19, 1866. } . . .

The House has this day agreed to the amendments proposed by the Senate to House Bill No. 57, "A Bill to provide a penitentiary for the State;" passed and respectfully asks the concurrence of the Senate in House Bill No. 58, "A Bill to regulate the registration of voters," and House Bill No. 65, "A Bill to provide punishment for the cutting down, injuring or destroying trees or shrubs."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

Said House Bills were read the first time, and referred to the Committee on the Judiciary.

The following communication was received from the Supreme Court of Appeals:

To HON. W. E. STEVENSON,

*President of the Senate :*

At a session of the Supreme Court of Appeals of the State of West Virginia, held in the city of Wheeling on the 7th day of February, 1866, the following order was made :

The Legislature is respectfully requested to appropriate a reasonable sum to be expended according to law in the purchase of such books as are needed to fill up the Law Library of the State. And in the opinion of the Court it will require twenty-five hundred dollars.

*Teste :*

SYLVANUS W. HALL, *Clerk.*

On motion of Mr. Burdett, said communication was referred to the Committee on the Judiciary.

Mr. Slack, from the Committee on Humane and Criminal Institutions, reported back Senate Bill No. 54, entitled " A Bill for the relief of the Overseers of the Poor of the county of Brooke," recommending its passage ; and it was read the second time, and ordered to be engrossed.

Mr. Slack, from the same Committee, reported adversely upon the resolution proposing to establish a House of Refuge. The report was adopted.

House Bill No. 13, entitled " A Bill relating to suits brought against Supervisors and Inspectors of Elections and providing for the payment of their costs in defending the same," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, Peck, Price, Slack and Wright—17.

NAYS—None.

On motion of Mr. Maxwell, and by the unanimous consent of the Senate, House Bill No. 30, entitled " A Bill to provide for a re-assessment of the value of all the real estate within this State," on its third reading, was amended by striking out of the 18th line of the 6th section, the word " October," and inserting in its stead the word " December ;" and the bill was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, Peck, Price, Slack and Wright—18.

NAYS—None.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported back House Bill No. 114, "A Bill to ratify on certain terms, the act of the General Assembly of Virginia, passed February 3, 1866, relating to the Virginia Canal Company," recommending its passage, with the following amendments:

1. Strike out section 5.

2. Strike out all after the words, "to the" in the 1st line of the present 7th section down to the end of the section, and in place thereof, insert:

"General Assembly, Executive, Judiciary or Board of Public Works of Virginia, shall, so far as concerns the works, property, and acts of the Virginia Canal Company, its officers and agents within this State, be vested in and exercised by the Legislature, Executive, Judiciary and Board of Public Works of this State, respectively; and the appointment of the President of the said Company, shall be subject to the approval of the Governor of this State, in like manner in all respects as the same is by the said act made subject to the approval of the Governor of Virginia."

3. At the end of the present 7th section add:

"Any proceedings directed by the aforesaid act of February 3, 1866, to be taken or had before, or returned to the County Courts, shall be taken or had before or returned to the Circuit Court for the county; and any proceedings which may be instituted against the said Company in this State under the second section of the tenth chapter of said act, shall be, by motion in the Circuit Court for the county in which the seat of government of this State may at the time be located, but in other respects shall be had conformably to the last mentioned section."

4. After the present section 7, insert as a new section:

"7. No troops or persons in the military or naval service of any State shall be transported over the line of said work, without the consent of the Governor of this State; but troops or persons in the military or naval service of the United States, their arms, munitions and baggage shall nevertheless be transported over said line according to the provisions of the twenty-sixth section of the sixth chapter of said act."

5. After the above, insert as a new section:

"8. Nothing contained in the seventh section of the eighth chapter of said act shall be construed as exempting any property, real or personal, in this State, belonging to any officer, contractor, agent, laborer, hireling or hand employed by the Virginia Canal Company, or engaged at work upon the line of their works, from the taxes or contributions to which property in this State belonging to other persons is or shall be subject."

The said amendments were then adopted, the bill read the second time, and ordered to its third reading.

On motion of Mr. Burley, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and the said bill read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, Peck, Price, Slack and Wright—17.

NAYS—Mr. Chapline—1.

Mr. Burley was directed to inform the House of the passage of said bill, and request concurrence in the Senate amendments.

On motion of Mr. Peck, Senate Bill No. 29, entitled "A Bill providing for the issuing of attachments in certain cases," was taken up, and amended on his motion by unanimous consent of the Senate, by inserting at the end of the 26th line of the 1st section, the words "of any court having jurisdiction in the case," and on motion of Mr. Maxwell, by like consent, by adding at the end of the 1st section the words "Provided that nothing contained in this act shall be construed to repeal or interfere with any law now in force in relation to attachments."

The bill was then read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Chambers, Corley, Chapline, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, Peck, Price, Slack and Wright—17.

NAYS—None.

On motion of Mr. Corley, the Senate substitute for House Bill No. 59, entitled "A Bill to prevent further taxation of soldier's property for bounty purposes," was taken up, read the third time, and passed with its title:

YEAS—Messrs. Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, Peck, Price, Slack and Wright—16.

NAYS—Messrs. Stevenson, (President,) and Burdett—2.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported back House Bill No. 79, "A Bill to charter a road in Gilmer, Ritchie and Tyler counties," without any recommendation, there being no notice accompanying the bill.

On motion of Mr. Chapline, the bill was laid on the table.

A message from the House of Delegates, by Mr. Goff, announced that that body had concurred in all the amendments proposed by the Senate to House Bill No. 114, entitled "A Bill to ratify on certain terms, the act of the General Assembly of Virginia, passed February 3, 1866, relating to the Virginia Canal Company."

On motion of Mr. Burley, Senate Bill No. 57, entitled "A Bill to abolish the office of County Treasurer," was taken up, read the second time and ordered to be engrossed.

The Senate then adjourned.

WEDNESDAY, FEBRUARY 21, 1866.

The Senate met at the usual hour, and was opened with prayer by Rev. Mr. Barnitz.

The journal of yesterday was read and approved.

The following communication was received from the House of Delegates :

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, February 20, 1866* }

The House has this day passed, Senate Bill No. 52, "A Bill to amend and re-enact the act regulating allowances to county officers."

Senate Bill No. 57, "A Bill to legalize the poor tax levied by the county courts of Berkeley county in the year 1863," and

Senate Bill No. 60, "A Bill amending the charter of the town of Martinsburg."

It has also passed and respectfully asks the concurrence of the Senate in

House Bill No. 90, "A Bill to amend and re-enact the first section of an act passed February 1st, 1847, entitled "An Act to incorporate the male and female academy of Buckhannon."

House Bill No. 93, "A Bill to establish the eleventh senatorial district out of a part of the tenth."

House Bill No. 94, "A Bill fixing the times of holding the courts in the several counties of the tenth and eleventh judicial circuits."

House Bill No. 95, "A Bill to change the times of holding the courts in the eighth judicial circuit."

House Bill No. 96, "A Bill establishing and rearranging the tenth and eleventh judicial circuits of this State, and providing for the appointment of a judge of the eleventh circuit."

House Bill No. 102, "A Bill in relation to the statutes of limitations."

House Bill No. 106, "A Bill to authorize the board of supervisors of Hampshire county to borrow money."

House Bill No. 107, "A Bill for the relief of Amos Samples of Upshur county."

House Bill No. 108, "A Bill to amend and re-enact the first section of an act entitled 'An Act authorizing the present and former sheriffs of Ohio county to pay certain moneys to the treasurer of Ritchie and other townships in said county,' passed February 16, 1865."

House Bill No. 110, "A Bill to amend section 1 of chapter 78 of the acts of the General Assembly of Virginia, passed February 13, 1862," and

House Bill No. 111, "A Bill concerning the fiscal year."

It has adopted and respectfully asks concurrence in a substitute for Senate Bill No. 15, "A Bill to incorporate the Wayne county coal and iron railway company."

WM. P. HUBBARD,  
*Clerk House of Delegates.*



The said House Bill was read the first time, and No. 93, 94, 95, 96, 102, 108 and 110 referred to the Committee on the Judiciary, No. 107 and 111 to the Committee on Finance and Claims, No. 90 was referred to the Committee on Banks and Corporations, and No. 106 to the Committee on Townships.

The said Senate bill No. 15, entitled "A Bill to incorporate the Wayne county Coal and Iron Railway Company," and the substitute therefor passed by the House, were referred to the Committee on Internal Improvements and Navigation.

Mr. Maxwell, from the Committee on the Judiciary, reported the following bills, which were read the first time:

Senate Bill No. 64, entitled "A Bill in relation to the sixth and seventh judicial circuits, and the times for holding the terms of the circuit courts therein."

Senate Bill No. 65, entitled "A Bill in relation to oaths of suitors;" and

Senate Bill No. 66, entitled "A Bill to provide for the care of the State law library."

On motion of Mr. Peck, the case being urgent, and three fourths of the members present consenting thereto, the rule was suspended for the purpose, and Senate Bill No. 64, just reported, was read the second time this day, and ordered to be engrossed; and being forthwith engrossed, the rule was again suspended, and the bill read the third time this day, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

The printing of Senate bills No. 64 and 65 was dispensed with.

Mr. Maxwell, from the Committee on the Judiciary reported back House Bill No. 56, entitled "A Bill to consolidate the town of Moundville and Elizabethtown," with a recommendation that it pass, with the following amendments:

1. Insert after the word "law," line 4, section 10, the words "for constables in similar cases."

2. Add a new section at end of bill as follows:

13. The council of said town shall have power and authority to change the streets and alleys and to lay off and open additional streets and alleys in any part of said town upon making just compensation to the owners of lots or ground taken for such purpose, or affected thereby, and also to sell and convey in fee, any street or alley which said council may deem of no public utility.

Said amendments were adopted and the bill read the second time, and ordered to its third reading.

Mr. Maxwell, also reported back House Bill No. 65, entitled "A Bill to provide punishment for the cutting down, injuring or destroying trees or shrubs," recommending its passage with the following amendments :

1. In the 7th line after the Word "forest," insert the words " or take or destroy any fruit or garden or farm products."

2. Add the following new section :

"2. All prosecutions under this act shall be commenced within six months after the offence is committed."

The said amendments were adopted, the bill read the second time, and ordered to its third reading.

Mr. Maxwell, also reported back House Bill No. 77, entitled "A Bill to repeal chapter eight of the acts of 1865," recommending its passage, with the following amendment :

Add at the end of the bill the words "except by the consent of both parties."

The amendment was adopted, the bill read the second time, and ordered to its third reading.

Mr. Chapline, from the Committee on Banks and Corporations, reported back House Bill No. 80, entitled "A Bill to dissolve and close the branch of the Exchange Bank of Virginia at Weston," with a recommendation that it pass, with an amendment striking out of the 14th line of section 2, the figures "1863" and inserting "1862," and it was read the second time and ordered to its third reading, the amendment being adopted.

Mr. Dix, from the Committee on Education, reported back House Bill No. 75, entitled "A Bill to transfer certain lands in Ohio county to the boards of education of certain townships therein," recommending its passage; and it was read the second time, and ordered to its third reading.

Mr. Maxwell, from the Committee on the Judiciary, reported back Senate Bill No. 50, entitled "A Bill for the relief of married women in insuring the lives of their husbands," recommending its passage, with the following amendment :

At the end of the first section strike out the words "two hundred dollars," and insert in lieu thereof, the words "one hundred and fifty dollars."

The amendment was agreed to, the bill read the second time and ordered to be engrossed.

Mr. Price, from the Committee on Townships, reported back Senate Bill No. 63, entitled "A Bill to transfer the Point Pleasant Academy to the board of education of Lewis township, in Mason

county," recommending its passage, with the following amendment:

Insert after the word "deed," in the third line the words "or otherwise (provided it does not interfere with prior right held by any other person.)"

The amendment was adopted, the bill read the second time, and ordered to be engrossed.

Senate Bill No. 47, entitled "A Bill relating to the schools of Wheeling and parts of townships connected therewith," on its second reading, was, on motion of Mr. Dix, recommitted.

Mr. Burdett, presented a resolution adopted by the West Virginia Oil and Mining Association in favor of the adoption of the joint resolution proposing to present a suitable medal to Gen. Samuel Karns, as the first discoverer of oil in this State, which was read and laid on the table.

Mr. Wright, by leave, introduced Senate Bill No. 67, entitled "A Bill in relation to the Guyandotte Navigation Company," which was read the first time, and referred to the Committee on Internal Improvements and Navigation.

On motion of Mr. O'Brien, House Bill No. 32, entitled "A Bill making an appropriation to Robertson Cook," was taken up, and re-committed.

Senate Bill No. 54, entitled "A Bill for the relief of the Overseers of the Poor of the county of Brooke," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

Senate Bill No. 51, entitled "A Bill to abolish the office of county Treasurer," was read the third time, and rejected by the following vote:

YEAS—Messrs. Burdett, Corley, Dix, Hagar, Hawkins, Haymond, Maxwell, O'Brien and Slack—9.

NAYS—Messrs. Stevenson, (President,) Chambers, Chapline, Duval, Kitchen, Mahon, Peck, Price and Wright—9.

Absent—Mr. Burley.

Mr. Burley, subsequently coming in, Mr. Price, moved that the vote rejecting said bill be reconsidered, which was agreed to, and the question again recurring on the passage of the bill, the vote resulted as follows:

YEAS—Messrs. Burdett, Burley, Corley, Dix, Hagar, Hawkins, Haymond, Maxwell, O'Brien and Slack—10.

NAYS—Messrs. Stevenson, (President,) Chambers, Chapline, Duval, Kitchen, Mahon, Peck, Price and Wright—9.

The President decided that the bill was rejected, as it had not received the affirmative vote of a majority of the members elected to the Senate, as contemplated by the 37th section of the 4th article of the Constitution.

From this decision of the President Mr. Burley appealed; and the question then being "shall the decision of the chair be sustained?" Mr. Peck demanded the yeas and nays, which were ordered, and taken.

The YEAS were—Messrs. Burdett, Chapline, Corley, Dix, Duval, Hagar, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck and Price—13.

The NAYS were—Messrs. Burley, Chambers, Hawkins, Slack and Wright—5.

The President declined to vote.

So the decision of the chair was sustained.

Mr. Burdett, moved to take up Senate Joint Resolution No. 10, "Endorsing the reconstruction policy of President Johnson," and upon the motion demanded the yeas and nays, which were ordered and taken.

The YEAS were—Messrs. Burdett, Haymond, O'Brien and Peck—4.

The NAYS were—Messrs. Stevenson, (President,) Burley, Chambers, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, Price, Slack and Wright—15.

So the Senate refused to take up the resolution.

The Senate then adjourned.

#### THURSDAY, FEBRUARY 22, 1866.

The Senate was opened with prayer by Rev. J. W. Faggart.

The journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
February 21, 1866. }

The House has this day passed Senate Bill No. 53, "A Bill to relinquish to the Maryland and Virginia Bridge Company the stock in said Company belonging to the State;" agreed to the amendments proposed by the Senate to House Bill No. 30, "A Bill to provide for a re-assessment of the value of all the real estate within this State," and adopted the substitute proposed by the Senate for House Bill No. 59, "A Bill to prevent further taxation of soldier's property for bounty purposes," with the following amendments, in which it respectfully asks concurrence:

1. Strike out of line 1 the words "sum or sums of money," and insert in lieu thereof, the word "taxes."

2. Add at the end of the substitute the words "nor to any person who served as a quartermaster or commissary."

It has also passed and respectfully asks the concurrence of the Senate in

House Bill No. 19, "A Bill in relation to evidence in actions involving the title to lands."

House Bill No. 73, "A Bill to relieve the securities of Joshua H. Staats, late Sheriff of Jackson county."

House Bill No. 92, "A Bill supplemental to the act establishing the county of Mineral."

House Bill No. 116, "A Bill to provide for the repair of the roads and bridges throughout the State."

House Bill No. 117, "A Bill prescribing the standard weight of bituminous coal."

House Bill No. 118, "A Bill concerning marriages between colored persons."

House Bill No. 121, "A Bill for the relief of John B. Baumgardner."

House Bill No. 122, "A Bill to authorize the Board of Trustees of the Presbyterian Church of Buckhannon to sell a certain lot," and

House Bill No. 124, "A Bill to repeal a part of section 2 of chapter 58 of the Code of Virginia."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

The Senate agreed to the 1st of said amendments to House Bill No. 59, and disagreed to the second.

The other House Bills named in said communication were read the first time, and Nos. 19, 117 and 118 referred to the Committee on the Judiciary; Nos. 122 and 124 to the Committee on Banks and Corporations; Nos. 73 and 121 to the Committee on Finance and Claims; No. 92 was referred to the Committee on Townships; and No. 116 to the Committee on Internal Improvements and Navigation.

Senate Bill No. 63, entitled "A Bill to transfer the Point Pleasant Academy to the Board of Education of Lewis township in Mason county," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Slack and Wright—18.

NAYS—None.

Senate Bill No. 50, entitled "A Bill for the benefit of married women in insuring the lives of their husbands," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Slack and Wright—18.

NAYS—None.



House Bill No. 56, entitled "A Bill to consolidate the towns of Moundsville and Elizabethtown," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Slack and Wright—18.

NAYS—None.

House Bill No. 65, entitled "A Bill to provide punishment for the cutting down, injuring or destroying trees or shrubs," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Duval, Hagar, Hawkins, Kitchen, Slack and Wright—12.

NAYS—Messrs. Dix, Haymond, Mahon, Maxwell, O'Brien and Peck—6.

On motion of Mr. Maxwell, the title to said bill was amended by adding thereto the words "or taking or destroying any fruit, or garden or farm product."

The bill as amended was then passed.

House Bill No. 75, "A Bill to transfer certain lands in Ohio county to the Boards of Education in certain townships therein," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—19.

NAYS—None.

House Bill No. 77, entitled "A Bill to repeal chapter eight of the acts of 1865," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—19.

NAYS—None.

House Bill No. 80, entitled "A Bill to dissolve and close the Branch of the Exchange Bank of Virginia, at Weston," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—Mr. Maxwell—1.

Mr. Maxwell, from the Committee on the Judiciary, reported back Senate Bill No. 55, entitled "A Bill to provide counsel for

the poor," with a substitute therefor, entitled "A Bill to compensate counsel for the poor in criminal cases."

Mr. Maxwell, also reported back Senate Bill No. 25, entitled "A Bill allowing appeals from the Board of Supervisors in certain cases," recommending its passage with an amendment, striking out the last section.

Mr. Maxwell also reported back Senate Bill No. 4, entitled "A Bill to amend an act passed March 1st, 1865, entitled 'An act in relation to the Statutes of Limitation,'" recommending its passage, with an amendment, inserting after the word "proceeding," in the 2d line of the section as proposed to be re-enacted, the words "writ of error, supersedeas."

Mr. Maxwell also reported back Senate Bill No. 12, entitled "A Bill to authorize the Judge of the Ninth Judicial Circuit of West Virginia to fill official vacancies in his circuit," recommending its passage.

Mr. Maxwell also reported back Senate Bill No. 41, entitled "A Bill to relieve judgment debtors," and Senate Bill No. 45, "A Bill to prevent intoxication," and Senate Bill No. 59, entitled "A Bill to amend the license law," recommending that they do not pass.

Mr. Maxwell also reported back Senate Bill No. 17, entitled "A Bill to admit the testimony of interested parties in civil actions," without any recommendation as to its passage, but with an amendment, adding a new section as follows:

"4. This act shall not apply to suits pending at the time of its passage."

Mr. Maxwell also reported back House Bill No. 58, entitled "A Bill to regulate the registration of voters," with a recommendation that it pass; and he also reported back House Bill No. 102, entitled "A Bill in relation to the Statutes of Limitations," recommending that it do not pass.

Mr. Chapline, from the Committee on Banks and Corporations, reported back House Bill No. 90, entitled "A Bill to amend and re-enact the first section of an act passed February 1st, 1847, entitled 'An act to incorporate the male and female academy of Buckhannon,'" recommending its passage; and it was read the second time, and ordered to its third reading.

Mr. Chapline, by leave, introduced Senate Bill No. 68, entitled "A Bill legalizing the acts of John M. Smith," and Senate Bill No. 69, entitled "A Bill to amend and re-enact the 8th and 9th sections of chapter 93 of the acts of 1863," which were each read the first time, referred to the Committee on the Judiciary, and their printing dispensed with.

Mr. Kitchen, by leave, introduced Senate Bill No. 70, entitled "A Bill to prevent suits in certain cases," which was read the first time, and referred to the Committee on the Judiciary, and its printing dispensed with.

On motion of Mr. Chapline,

*Resolved*, That the Committee on the Judiciary be requested to inquire into the condition of the Berkeley Springs, and the propriety of appointing new Trustees to protect the State's interest in the said property.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported back Senate Bill No. 15, entitled "A Bill to incorporate the Wayne County Coal and Iron Railway Company," recommending the adoption of the House of Delegate's substitute therefor.

The substitute was agreed to.

A message from the House of Delegates, by Mr. McWhorter, announced that it was ready to execute the joint order, the celebration of the birthday of Washington, and invited the Senate to the Hall of the House of Delegates.

Mr. Chapline moved that the Senate proceed in a body to the Hall of the House of Delegates; and the motion having been agreed to, the Senate proceeded to the House, where the Farewell Address of George Washington was read by Mr. Mairs.

Subsequently the Senate returned to its chamber, and resumed its business.

Mr. Burdett, from the Committee on Finance and Claims, reported back House Bill No. 88, entitled "A Bill for the relief of Francis H. Peirpoint," recommending its passage; and it was read the second time, and ordered to its third reading.

Mr. Burdett also reported back House Bill No. 87, entitled "A Bill to dispense with the assessment of back taxes in certain counties," recommending its passage; and the bill coming up on its second reading,

Mr. Maxwell moved that it be amended, by inserting after the word "and," in the 3d line of the 1st section, the words "the assessment," and by inserting after the word "the" in the 7th line of the 2d section, the words "assessment of the," and by striking out of the same line "have," and inserting "has."

The said amendments were all adopted.

Mr. Wright moved to amend the 1st line of the second section, by inserting before the word "persons" the word "loyal," and before the word "property," same line, the word "their;" but the motion was lost.

The bill was then read the second time, and ordered to its third reading.

On motion of Mr. Chapline, the Senate took a recess until half-past two o'clock.

AFTERNOON SESSION.

The Senate re-assembled.

House Bill No. 102, entitled "A Bill in relation to the Statutes of Limitations," which the Committee recommended should not pass, coming up, and the question being upon its second reading, it was decided in the negative.

So the bill was defeated.

House Bill No. 58, entitled "A Bill to regulate the registration of voters," coming up on its second reading,

Mr. Peck moved to amend the 3d section by striking out all after the end of the sentence in the 26th line, to the word "provided" in the 37th line.

But pending the consideration of the said amendment,

On motion of Mr. Price, the bill was laid on the table.

The Senate then adjourned.

---

FRIDAY, FEBRUARY 23, 1866.

The Senate met at the usual hour, and after prayer by Rev. Mr. Hervey, the journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
Wheeling, February 22, 1866. }

The House has this day passed Senate Bill No. 42, "A Bill to amend section 12 of chapter 80 of the acts of 1865."

Senate Bill No. 56, "A Bill in relation to actions of detinue," and

Senate Bill No. 64, "A Bill in relation to the sixth and seventh judicial circuits and the times for holding the terms of the circuit courts therein," has passed

Senate Bill No. 21, "A Bill to incorporate the town of Ceredo in the county of Wayne," with an amendment striking out of section 1, line 3, the word "eighty" and inserting in lieu thereof the word "forty," in which amendment it asks the concurrence of the Senate.

It has adopted and respectfully asks concurrence in a substitute for

Senate Bill No. 28, "A Bill for the establishment and regulation of the West Virginia Agricultural College," and have passed and asks concurrence in

House Bill No. 36, "A Bill providing for the establishment of a system of free schools," and

House Bill No. 70, "A Bill to establish and settle a part of the boundary line between the counties of Barbour and Upshur."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

The amendment proposed by the House to Senate Bill No. 21, entitled "A Bill to incorporate the town of Ceredo in the county of Wayne," was concurred in by the Senate.

On motion of Mr. Peck, the House substitute for Senate Bill No. 28, "A Bill for the establishment and regulation of the West Virginia Agricultural College," was tabled.

Said House Bills Nos. 36 and 70, were read the first time, and the first was referred to the Committee on Education, and the second to the Committee on Townships.

Mr. Maxwell, from the Committee on the Judiciary, reported back the following bills, with a recommendation that they pass:

House Bill No. 74, entitled "A Bill to provide for obtaining grants for lands where the entries are lost or destroyed;"

House Bill No. 93, entitled "A Bill to establish the eleventh senatorial district out of a part of the tenth;"

House Bill No. 95, entitled "A Bill to change the times of holding the courts in the eighth judicial circuit;"

House Bill No. 108, entitled "A Bill to amend and re-enact the first section of an act entitled 'An Act authorizing the present and former sheriffs of Ohio county to pay certain moneys to the treasurer of Ritchie and other townships in said county,' passed February 16, 1865;" and

House Bill No. 110, entitled "A Bill to amend section 1 of chapter 78 of the acts of the General Assembly of Virginia, passed February 13, 1862."

The first named bill was amended by striking out of line 37, the word "cancelled," and inserting "caveated."

Each of said bills was then read the second time, and ordered to be read the third time.

Mr. Price, from the Committee on Townships, reported back House Bill No. 106, entitled "A Bill to authorize the Supervisors of Hampshire county to borrow money," recommending its passage; and it was amended by striking out "ten thousand," and inserting "twenty thousand," and read the second time, and ordered to its third reading.

Mr. Peck, by leave, introduced Senate Bill No. 71, "A Bill in relation to Justices and the Municipal Courts of Wheeling," which was read the first time, and referred to the Committee on the Judiciary.

Mr. Burley, by leave, introduced Senate Bill No. 72, entitled "A Bill relating to Insurance Companies not incorporated by this State," which was read the first time, and referred to the Committee on Banks and Corporations.



Mr. Hagar presented the petition of Meredith Wells, of Raleigh county, praying relief on account of damages inflicted by rebels, which was read, and referred to the Committee on Finance and Claims.

The following bills were read the second time, and ordered to be engrossed:

Senate Bill No. 65, entitled "A Bill to provide for the care of the State Law Library."

Senate Bill No. 66, entitled "A Bill in relation to oaths of suitors;" and

Senate substitute for Senate Bill No. 55, entitled "A Bill to compensate counsel for the poor in criminal cases," the substitute being first adopted.

Senate Bill No. 4, entitled "A Bill to amend an act passed March 1, 1865, entitled 'An act in relation to the Statutes of Limitation,'" coming up on its second reading, the amendment proposed by the Committee was adopted; the bill read the second time, and ordered to be engrossed.

Senate Bill No. 12, entitled "A Bill to authorize the Judge of the Ninth Judicial Circuit of West Virginia to fill official vacancies in his circuit," coming up on its second reading, it was amended on motion of Mr. Maxwell, by inserting after the word "Greenbrier," in the 8th line, the word "Monroe."

The bill was then read the second time, and ordered to be engrossed.

The following bills the Senate refused to read the second time, the Judiciary Committee having recommended that they do not pass:

Senate Bill No. 41, entitled "A Bill to relieve judgment debtors;"

Senate Bill No. 45, entitled "A Bill to prevent intoxication;" and

Senate Bill No. 59, entitled "A Bill to amend the license law."

The Senate also refused to read the second time, Senate Bill No. 17, entitled "A Bill to admit testimony of interested parties in civil actions."

The amendment proposed by the Committee to Senate Bill No. 25, entitled "A Bill allowing appeals from the Board of Supervisors in certain cases," was adopted.

And on motion of Mr. Burley, the bill was laid on the table.

House Bill No. 87, entitled "A Bill to dispense with the assessment of back taxes in certain counties," on its third reading, was amended by the unanimous consent of the Senate, by adding at the end of the first section, the words "except that the land of all non-residents, which is situated in any such county, shall be assessed."

The bill was then read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price and Slack—18.

NAYS—Mr. Wright—1.

House Bill No. 88, entitled "A Bill for the relief of Francis H. Pairpoint," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, Peck, Price, Slack and Wright—18.

NAYS—None.

House Bill No. 90, entitled "A Bill to amend and re-enact the first section of an act passed February 1, 1847, entitled 'An act to incorporate the male and female academy of Buckhannon,'" was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, Peck, Price, Slack and Wright—17.

NAYS—None.

On motion of Mr. Chapline, the Senate took a recess until half-past two o'clock, P. M.

#### AFTERNOON SESSION.

The Senate re-assembled.

Mr. Chapline, from the Committee on Banks and Corporations, reported back Senate Bill No. 72, entitled "A Bill relating to Insurance Companies not incorporated by this State," recommending its passage.

On motion of Mr. Chapline, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said bill put upon its second reading this day.

But on motion of Mr. Peck, the bill was laid on the table.

On motion of Mr. Corley,

House Bill No. 42, entitled "A Bill to establish a permanent seat of government for the State of West Virginia," was taken from the table.

And the question recurring upon the motion of Mr. Stevenson, pending when the bill was tabled, that the further consideration of the bill be postponed indefinitely, upon which the yeas and nays were ordered, and taken :

The YEAS were—Messrs. Stevenson, (President,) Chapline, Dix, Duval, Hawkins, Haymond, Mahon, Maxwell, Peck, Price and Slack—11.

The NAYS were—Messrs. Burdett, Burley, Chambers, Corley, Hagar, Kitchen, O'Brien and Wright—8.

So the further consideration of the bill was postponed indefinitely.

Mr. Maxwell, by leave, introduced Senate Bill No. 73, entitled "A Bill to regulate the charges for publishing orders of publication and other notices required in legal proceedings," which was read the first time.

On motion of Mr. Maxwell, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said bill read the second time this day, and ordered to be engrossed.

On motion of Mr. Price, House Bill No. 58, entitled "A Bill to regulate the registration of voters," was taken up.

The question recurred upon the motion of Mr. Peck, pending when the bill was tabled, to strike out of the third section all after the end of the sentence in the 26th line, to the word "provided," in the 37th line.

But Mr. Maxwell offered as a substitute the following :

Insert before the word "provided" in the 37th line, the words : "and shall forthwith notify said applicant in writing, that his name is excluded, assigning briefly the reason therefor."

The substitute was adopted, when Mr. Peck withdrew his motion.

Mr. Burdett renewed the motion of Mr. Peck, and demanded the yeas and nays thereon, and they were ordered and taken :

The YEAS were—Messrs. Burdett, Haymond, O'Brien and Price—4.

The NAYS were—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, Slack and Wright—14.

So the amendment was rejected.

Mr. Burdett then moved to strike out of the 3d section all after the word "swear," in the 6th line, to the word "that," in the 16th line; but the motion did not prevail.

On motion of Mr. Maxwell, the following was added at the end of the 3d section :

"And provided, further, that every person shall be registered who will be entitled to vote at the first election occurring after the registration, by reason of his arriving at twenty-one years of age before that time, or by reason of his having then resided for a sufficient length of time in his election district, provided that he is otherwise qualified according to the provisions of this section."

Mr. Maxwell moved that all the bill be re-committed, but the motion was decided in the negative.

Mr. Burley moved that the bill be made the special order for to-morrow at 10½ o'clock, which was agreed to.

Mr. Peck, by leave, introduced Senate Bill No. 74, entitled "A Bill to incorporate the Wheeling and Moundsville Turnpike

Company," which was read the first time, its printing dispensed with, and referred to the Committee on Internal Improvements and Navigation.

On motion of Mr. Burley,

*Resolved*, That the Committee on Humane and Criminal Institutions inquire into the expediency of reporting a bill to prevent the destruction of game and fish during the summer months.

On motion of Mr. Maxwell, House Bill No. 15, entitled "A Bill to provide for the sale of real estate returned delinquent for the non-payment of taxes," was taken from the table, on its second reading.

On motion of Mr. Maxwell, the 22d section was amended by striking out all after the word "paid," line 10, to the word "upon," line 15.

On motion of Mr. Maxwell, the following section was added at the end of the bill :

" 33. Lands sold in the year 1865, for the non-payment of taxes, shall be redeemed according to the provisions of this act, and if not so redeemed, conveyances shall be made to the purchasers thereof, according to the provisions of this act."

And pending the further consideration of this bill,

The Senate adjourned.

## SATURDAY, FEBRUARY 24, 1866.

The Senate met at the usual hour, and after prayer by Rev. Mr. Taggart, the journal of yesterday was read and approved.

The following communication was received from the House of Delegates :

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
February 23, 1866. }

The House has this day passed Senate Bill No. 49, "A Bill changing the times of holding the terms for its civil business of the Municipal Court of Wheeling," with the following amendments in which it asks concurrence :

1. Strike out all after "terms" section "13" line 4 to the end of line 6 and insert in lieu thereof the words "eight times in each year, that is to say; on the third Monday of April, June, July, August, September, November, January and February, commencing on the third Monday in April."

2. Add at the end of section "13" the following :

"But if any such term be not commenced on the day hereby appointed or the Tuesday or Wednesday next after the same, all suits and proceedings then pending therein shall stand continued without any special order to that effect to the succeeding term."

The House has agreed to the amendments proposed by the Senate to

House Bill No. 56, "A Bill to consolidate the towns of Moundsville and Elizabethtown."

House Bill No. 65, "A Bill to provide punishment for the cutting down, injuring or destroying trees or shrubs."

House Bill No. 77, "A Bill to repeal chapter 8 of the acts of 1865," and

House Bill No. 80, "A Bill to dissolve and close the Branch of the Exchange Bank of Virginia, at Weston,"

Insists on its second amendment to the substitute proposed by the Senate for House Bill No. 59, "A Bill to prevent further taxation of soldiers property for bounty purposes," and requests a committee of conference thereon, Messrs. Hagans, Curtis and Witcher being appointed on such committee on the part of the House.

The House has passed and respectfully asks the concurrence of the Senate in

House Bill No. 38, "A Bill for the relief of John D. Payne."

House Bill No. 82, "A Bill amending the charter of the town of Grafton."

House Bill No. 100, "A Bill for the relief of the securities of William Grass late sheriff of Putnam county."

House Bill No. 119, "A Bill to amend and re-enact the 6th and 8th sections of an act to incorporate the town of St. Mary in the county of Wood, and for other purposes."

House Bill No. 123, "A Bill to amend an act to incorporate the town of Piedmont in the county of Mineral (late Hampshire)."

House Bill No. 125, "A Bill to incorporate the Potomac and Piedmont Coal and Railway Company."

House Bill No. 126, "A Bill to incorporate the West Virginia Agricultural Society."

House Bill No. 129, "A Bill supplemental to the act establishing the county of Grant."

House Bill No. 134, "A Bill to authorize the Board of Public Works to audit claims against the State of Virginia."

House Bill No. 130, "A Bill for the relief of Home Guards," and

House Bill No. 135, "A Bill to regulate the summoning of jurors."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

On motion of Mr. Peck, the Senate concurred in the amendments proposed by the House to said Senate Bill No. 49; and it insisted on its disagreement to the 2d amendment proposed by the House to the Senate Substitute for House Bill No. 59, entitled "A Bill to prevent further taxation of soldiers property for county purposes;"



agreed to the appointment of a conference committee thereon, and appointed on the part of the Senate Messrs. Duval and Mahon.

Said House Bills were read the first time, and No. 38, 100 and 134 referred to the Committee on Finance and Claims; No. 82, 119, 123 and 126 to the Committee on Banks and Corporations; No. 129 was referred to the Committee on Townships; No. 130 to the Committee on Military Affairs; No. 135 to the Judiciary; and 125 to the Committee on Internal Improvements and Navigation.

Mr. Burdett, from the Committee on Finance and Claims, reported back the following bills recommending their passage:

House Bill No. 32, entitled "A Bill making an appropriation to Robertson Cook;"

House Bill No. 73, entitled "A Bill to relieve the securities of Joshua H. Staats late sheriff of Jackson county;"

House Bill No. 107, entitled "A Bill for the relief of Amos Samples of Upshur county;"

House Bill No. 111, entitled "A Bill concerning the fiscal year;" and

House Bill No. 121, entitled "A Bill for the relief of John B. Baumgardner."

Mr. Price, from the Committee on Townships, reported back

House Bill No. 92, entitled "A Bill supplemental to the act establishing the county of Mineral," recommending its passage; and

House Bill No. 60, entitled "A Bill removing the county seat of Calhoun county," recommending that it do not pass.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported back

House Bill No. 116, entitled "A Bill to provide for the repair of the Roads and Bridges throughout the State," with a recommendation that it pass, with the following amendment:

Insert after the word "state," near the end of the bill the words "the Kanawha turnpike and the Northwestern Virginia turnpike."

Mr. Burley, also reported back Senate Bill No. 74, entitled "A Bill to incorporate the Wheeling and Moundsville turnpike Company," recommending its passage.

Mr. Chapline, from the Committee on Banks and Corporations, reported back House Bill No. 122, entitled "A Bill to authorize the board of trustees of the Presbyterian Church of Buckhannon to sell a certain lot," and House Bill No. 124, entitled "A Bill to repeal a part of section 2, of chapter 58 of the code of Virginia," recommending their passage.

Mr. Dix, from the Committee on Education, reported back House Bill No. 36, entitled "A Bill providing for the establishment of a

system of Free Schools," recommending its passage with the following amendments :

1. Strike out of line 8, section 15, the words "inhabitants of."
2. In section 30, line 1, strike out "fourth Thursday of October" and insert "day of annual township election," and in line 5, strike out "November," and insert "June."

Mr. O'Brien, presented three petitions praying the passage of a prohibitory liquor law, which were read and referred to the Committee on the Judiciary.

The hour of ten and a half o'clock, having arrived, the special order, that being the consideration of House Bill No. 58, "A Bill to regulate the Registration of voters," was taken up.

Mr. Slack offered the following amendments, which were adopted :

1. Strike out of section 3, line 3, the words "in addition thereto," and insert in lieu thereof "if he has any doubt as to such persons loyalty, he"

2. Strike out of the 3d section all after the end of the sentence in the 26th line, to the word "provided" in the 37th line, including the amendment inserted yesterday, before the word "provided," and insert at the end of the 8th section the following: "It shall be the duty of the county board of Registration to examine such book, and if they are satisfied that any person has been registered, who has been guilty of any of the acts enumerated in the affidavit contained in the third section of this act or is in any way disqualified to vote under the provisions thereof, it shall be the duty of the said board, upon proof of any such act or disqualification, to exclude the name of such person from the list of registered voters. But the party whose name is proposed to be excluded, shall have due notice of the time and place of taking the evidence to prove his disqualification, which evidence he shall have the right to rebut and shall have his name restored to such list if improperly stricken therefrom."

3. Strike out of the 7th line of the 5th section (engrossed bill) the word "twentieth," and insert "fourteenth."

4. Strike out of the 1st line of section 8, the words "within the" and insert "at least" and make the same amendment in the 2d line of the same section, and strike out of the last two lines of said section the words "before seven o'clock on the morning of the election."

The bill was then read the second time and ordered to its third reading.

On motion of Mr. Burley, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, the bill read this day the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Price, Slack and Wright—14.

NAYS—Messrs. Burdett, Haymond, O'Brien and Peck.—4.

On motion of Mr. Mahon, the Senate took a recess until half past two o'clock.

AFTERNOON SESSION.

The Senate re-assembled.

Senate Bill No. 4, entitled "A Bill to amend an act passed March 1st, 1865, entitled 'An Act in relation to the Statutes of limitations,'" was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck and Price.—14.

NAYS—None.

Senate Bill No. 12, "A Bill to authorize the Judge of the Ninth Judicial Circuit of West Virginia to fill official vacancies in his Circuit, was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Slack—15.

NAYS—None.

Senate Bill No. 65, entitled "A Bill to provide for the care of the State law library," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Slack—15.

NAYS—None.

Senate Bill No. 55, entitled "A Bill to compensate counsel for the poor in criminal cases," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck Price and Slack—15.

NAYS—None.

Senate Bill No. 66, entitled "A Bill in relation to oaths of suitors," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Slack—15.

NAYS—Mr. Corley—1.

Senate Bill No. 73, entitled "A Bill to regulate the charges for publishing orders of publication and other notices required in legal proceedings," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck and Price—14.

NAYS—None.

House Bill No. 74, "A Bill to provide for obtaining Grants for Lands where the entries are lost or destroyed," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Slack—16.

NAYS—None.

House Bill No. 93, "A Bill to establish the eleventh Senatorial district out of a part of the tenth," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Slack—16.

NAYS—None.

House Bill No. 95, "A Bill to change the times of holding the courts in the eighth Judicial circuit," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

House Bill No. 106, "A Bill to authorize the board of Supervisors of Hampshire county to borrow money," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—16.

NAYS—Mr. Haymond—1.

House Bill No. 110, "A Bill to amend section 1 of chapter 78 of the acts of the General Assembly of Virginia, passed February 13, 1862," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, and Slack—16.

NAYS—None.

House Bill No. 108, "A Bill to amend and re-enact the first section of an act entitled 'An Act authorizing the present and former Sheriffs of Ohio county to pay certain moneys to the Treasurers of Ritchie and other townships in said county,' passed February 16, 1865," was read the third time and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

House Bill No. 32, "A Bill making an appropriation to Robertson Cook," was read the second time, and ordered to its third reading.

House Bill No. 73, "A Bill to relieve the securities of Joshua H. Staats, late Sheriff of Jackson county, and his sureties," was read the second time, and ordered to its third reading.

On motion of Mr. Hawkins, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose and said bill read this day the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

House Bill No. 92, "A Bill supplemental to the Act establishing the county of Mineral," was read the second time, and ordered to its third reading.

On motion of Mr. Chapline, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, said bill read the third time and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

House Bill No. 122, "A Bill to authorize the board of trustees of the Presbyterian Church of Buckhannon to sell a certain lot," was laid on the table, on motion of Mr. O'Brien.

House Bill No. 107, "A Bill for the relief of Amos Samples, of Upshur county ;"

House Bill No. 111, "A Bill concerning the fiscal year ;"

House Bill No. 121, "A Bill for the relief of John B. Bumgardner," and

House Bill No. 124, "A Bill to repeal a part of section 2, of chapter 58, of the Code of Virginia," were read the second time and ordered to their third reading.

The amendment proposed by the committee to House Bill No. 116, "A Bill to provide for the repair of the roads and bridges throughout the State," was adopted, the bill read the second time, and ordered to its third reading.

House Bill No. 60, "A Bill removing the county seat of Calhoun county," coming up on its second reading, the Senate refused to read it the second time, the committee having recommended that it do not pass.

So the bill was defeated.



The amendments proposed by the committee to House Bill No. 36, "A Bill providing for the establishment of system of Free Schools," were adopted, the bill read the second time, and ordered to its third reading.

On motion of Mr. Chapline, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, said bill read this day the third time and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Kitchen, Mahon, Peck, Price, Slack and Wright—14.

NAYS—Messrs. Burdett, Haymond and O'Brien—3.

Senate Bill No. 74, "A Bill to incorporate the Wheeling and Moundsville Turnpike Company," was read the second time, and ordered to be engrossed ; and being forthwith engrossed,

On motion of Mr. Burley, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, said bill read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

On motion of Mr. Burley, Senate Bill No. 72, "A Bill relating to Insurance Companies not incorporated by this State," was taken from the table, read the second time, and ordered to be engrossed ; and being forthwith engrossed,

On motion of Mr. Burley, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, said bill read the third time, and passed with its title.

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Price, Slack and Wright—16.

NAYS—Mr. Peck—1.

The Senate then adjourned.

---

MONDAY, FEBRUARY 26, 1866.

The Senate met at the usual hour, and was opened with prayer by Rev. Mr. Brockunier, after which the journal of Saturday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, Feb. 24, 1866.* }

The House has this day passed Senate Bill No. 54, "A Bill for the relief of the Overseers of the Poor of the county of Brooke," and agreed to the amendments proposed by the Senate to House Bill No. 87, "A Bill to dispense with the assessment of back taxes in certain counties;" for Senate Bill No. 39, "A Bill constituting the bank of certain streams in Morgan county a lawful fence," it has adopted a substitute, entitled "A Bill constituting the bank of the Potomac River in Morgan county a lawful fence," in which it asks the concurrence of the Senate. and it has passed and asks concurrence in House Bill No. 109, "A Bill to provide for the payment of certain military claims therein mentioned."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

The Senate adopted the House substitute for Senate Bill No. 39, named in said communication, and said House Bill No. 109, was read the first time, and referred to the Committee on Military Affairs.

Mr. Maxwell, from the Committee on the Judiciary, reported back House Bill No. 8, "A Bill to amend the law relating to the maintenance of illegitimate children," House Bill No. 9, "A Bill to amend the law in relation to the competency of witnesses," House Bill No. 52, "A Bill to amend and re-enact the 1st section of chapter 5 of the acts of 1864," and House Bill No. 53, "A Bill to amend and re-enact a part of the first section of chapter 20 of the acts of the General Assembly of Virginia, passed at Richmond in 1861," Senate Bill No. 71, "A Bill in relation to Justices and the Municipal Court of Wheeling;" and Senate Bill No. 9, "A Bill in relation to certain deeds in Monroe county," with a substitute therefor, with the same title.

Mr. Maxwell, from the same Committee, reported Senate Bill No. 75, "A Bill in relation to the undetermined cases in the Supreme Court of Appeals of Virginia, belonging to this State."

Mr. Maxwell also reported Senate Joint Resolution No. 11.  
*Resolved, by the Legislature of West Virginia:*

That Henry Berry, Charles Boarman, John T. Siler, Aaron Bechtol, Thomas Tritterpoo, Wm. H. Baker, B. M. Kitchen, Wm. Waugh, Joseph S. Wheat, Henry Buzzard, James W. Robinson, A. R. McQuilkin, Wm. Smith of Tuscarora, George Koonce, Joseph A. Chapline, J. S. McKeivitts and James D. Fayman, be and are hereby appointed Trustees of the Berkeley Springs situated in Morgan county.

The resolution lies over one day.

Mr. Burdett, from the Committee on Military Affairs, reported back House Bill No. 130, "A Bill for the relief of Home Guards," recommending its passage.

Mr. Burdett, from the Committee on Finance and Claims, reported adversely upon the claim of Meredith Wells. The report was adopted.

Mr. Price, from the Committee on Enrolled bills, reported that the Committee had examined the following bills and joint resolutions, and found them correctly enrolled :

An act to amend and re-enact sections 3d and 4th of chapter 102 of the Code of Virginia, second edition.

An act legalizing the payment of money by Superintendents of schools to trustees of counties for the use of free schools.

An act amending section 44 of chapter 100 of the acts of 1863.

An act to extend the time allowed the civil officers of the counties of Pendleton, Hardy and McDowell in which to qualify and give bond.

An act for the relief of James A. Ewing.

An act to authorize the release of mortgages, deeds of trust, and other recorded liens.

An act establishing the county of Mineral out of a part of the county of Hampshire.

An act to amend and re-enact section 16 of chapter 184, Code of Virginia, second edition.

An act to amend an act entitled "An act creating a board for the examination of certain military claims," passed February 25th, 1865.

An act to amend and re-enact section 64 of chapter 100 of the acts of 1863.

An act to amend the charter of the town of Clarksburg.

An act to protect State and local bounties for volunteers in the service of the United States and this State, against attachment and levy for debt.

An act to authorize the sale of a lot in or near the town of Martinsburg.

An act to amend and re-enact the first section of an act entitled "An act providing for issuing grants for lands in certain cases," passed December 9, 1863.

An act to amend and re-enact section 36, chapter 176, Code of Virginia, second edition.

An act amending the charter of the town of Triadelphia, in the county of Ohio.

An act appropriating six hundred dollars to William Alexander.

An act to enable the council of the city of Parkersburg to change the name of the streets thereof.

An act making an appropriation to the West Virginia Hospital for the Insane.

An act for the relief of William E. Lyon.

An act to regulate the salary of the Reporter of the Supreme Court of Appeals.

An act to incorporate the Wheeling Iron Works and Glenn's Run Turnpike Company.

An act to alter the terms of the circuit courts of the ninth circuit.

An act to legalize marriages celebrated during the rebellion.

An act to repeal the act giving the courts of Doddridge and Ritchie jurisdiction in cases arising in Gilmer or Calhoun.

An act to amend section 34 of chapter 118 of the acts of 1863.

An act prescribing how the general school funds shall be appropriated to certain counties in the year 1866.

An act amending section 94, chapter 118 of the acts of 1863.

An act establishing the county of Grant out of a part of the county of Hardy.

An act in relation to the oaths of attorneys at law.

An act securing liens to mechanics, laborers and others.

An act permanently locating the county seat of Jefferson county at Shepherdstown.

An act to amend the 21st section of chapter 131, of the acts of 1863.

An act to protect literary societies, and other meetings convened for social amusement.

An act to change the number of Adelphi Lodge of the Independent Order of Odd Fellows in the town of Clarksburg.

An act to authorize the city council of Parkersburg to change the location of one of its streets.

An act extending the charter of the White Sulphur and Sweet Springs Turnpike road.

An act constituting a certain part of the bank of the Ohio River within Jackson county a lawful fence.

An act making an appropriation for the Antietam National Cemetery, near Sharpsburg, Maryland.

An act better to provide for the distribution of the acts.

No. 1.—A Joint Resolution in reference to printing the Governor's message.

No. 2.—A Joint Resolution referring the documents accompanying the Governor's message.

No. 3.—A Joint Resolution requesting the members of Congress from this State to urge the consent of Congress to the transfer of the counties of Berkeley and Jefferson to this State.

No. 4.—Joint Resolution fixing a time for the election of Public Printer.

No. 5.—Joint Resolution relating to the passage of a law by Congress granting lands to the State of West Virginia to aid in the construction of certain Railroads.

No. 6.—Joint Resolution authorizing the Governor to employ an agent to visit the Lunatic Asylum in Virginia.

No. 7.—Joint Resolution providing for restoring the Statue of George Washington to the State of Virginia.

No. 8.—Joint Resolution requesting the members of Congress from this State to secure the aid of the United States in repairing roads and bridges injured during the war.

No. 9.—Joint Resolution relating to printing the documents accompanying the Governor's message.

No. 10.—A Joint Resolution providing a guard for the State convicts in the jail of Ohio county.

No. 11.—A Joint Resolution providing medals of honor for West Virginia soldiers.

No. 12.—A Joint Resolution relating to the Reciprocity Treaty with England.

No. 13.—A Joint Resolution agreeing to the proposed amendment to the State constitution.

The report was adopted.

Mr. Chapline, from the Committee on Banks and Corporations, reported back the following bills, recommending their passage :

House Bill No. 123, "A Bill to amend an act to incorporate the town of Piedmont, in the county of Mineral, (late Hampshire,)"

House Bill No. 82, "A Bill amending the charter of the town of Grafton,"

House Bill No. 119, "A Bill to amend and re-enact the 6th and 8th sections of an act to incorporate the town of St. Mary in the county of Wood, and for other purposes," and

House Bill No. 126, "A Bill to incorporate the West Virginia Agricultural Society," with an amendment, striking out all after "Wheeling," in the 4th line of the 3d section.

Mr. Peck presented a resolution of the City Council of Wheeling remonstrating against the grant to the Wheeling skating park of any right to close or acquire possession of any of the streets or alleys of the city of Wheeling.

The resolution was laid on the table.



Mr. Slack presented the petition of Miss Susan L. McFarland and one hundred and forty other ladies of Kanawha county, praying the passage of a prohibitory liquor law, which was referred to the Committee on the Judiciary.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported back, with a recommendation that it pass, House Bill No. 125, "A Bill to incorporate the Potomac and Piedmont Coal and Iron Railroad Company." The bill was read the second time, and ordered so be read the third time.

On motion of Mr. Maxwell, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said bill read the third time and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Slack and Wright—17.

NAYS—None.

Mr. Chapline, by leave, introduced Senate Bill No. 76, "A Bill for the relief of citizens of Morgan county," which was read the first time, and referred to the Committee on Finance and Claims.

Mr. Hawkins offered Senate Joint Resolution No. 12, as follows :  
*Resolved by the Legislature of West Virginia :*

That the Governor shall appoint three disinterested persons as Commissioners, one from each Congressional district, whose duty it shall be, after first being sworn for that purpose, to examine the various proposed locations for a permanent seat of government, as to their geographical position, means of access, quantities of building material, the relation of each to the population and business of the State, and such other facts connected therewith as in their judgment will enable the Legislature to fix upon a proper place for the Capitol of the State, and report the result of their investigations to the next Legislature at the opening of its session.

The rule was suspended, and the resolution taken up.

Mr. Chambers moved so to amend as to elect two Commissioners from each Congressional district, and one from the State at large ; but the motion was lost.

Mr. Corley moved that one be elected from each Senatorial district, but this motion also failed.

On motion of Mr. Haymond, the word "Governor" was stricken out, and the words "Legislature at the present session," inserted.

On motion of Mr. Maxwell, the words "and residing as remotely from the centre of the State as may be," were inserted after the word "district."

The resolution was then adopted.

House Bill No. 15, "A Bill to provide for the sale of real estate returned delinquent for the non-payment of taxes," the unfinished business of Friday last, which was accidentally overlooked on Saturday, coming up,

On motion of Mr. Burley, the first section was amended by adding at the end thereof, the words, "The interest mentioned in this section shall not be charged on any tax on land not returned delinquent."

The bill was then read the second time, and ordered to its third reading.

On motion of Mr. Burley, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said bill was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duväl, Hagar, Hawkins, Haymond, Mahon, Maxwell, O'Brien, Peck, Slack and Wright—16.

NAYS—None.

House Bill No. 32, "A Bill making an appropriation to Robertson Cook," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Slack and Wright—16.

NAYS—None.

House Bill No. 107, "A Bill for the relief of Amos Samples of Upshur county," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Mahon, Maxwell, O'Brien, Peck, Slack and Wright—16.

NAYS—None.

House Bill No. 111, "A Bill concerning the fiscal year," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Slack and Wright—17.

NAYS—None.

House Bill No. 116, "A Bill to provide for the repair of the roads and bridges throughout the State," was amended, by unanimous consent of the Senate, on motion of Mr. Chapline, by adding at the end of the bill the words "Provided that this act shall not apply to the Maryland and Virginia Bridge Company," read the third time, and passed with its title :

YEAS—Messrs. Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Slack and Wright—15.

NAYS—Messrs. Stevenson, (President,) and Maxwell—2.

House Bill No. 121, "A Bill for the relief of John B. Baumgardner," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Slack and Wright—16.

NAYS—None.

House Bill No. 124, "A Bill to repeal a part of section 2 of chapter 58 of the Code of Virginia," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Furley, Chambers, Chapline, Corley, Dix, Hager, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Slack and Wright—16.

NAYS—None.

House Bill No. 8, "A Bill to amend the law relating to the maintenance of illegitimate children," was laid on the table, on motion of Mr. Chapline.

On motion of Mr. Maxwell, the Senate took a recess until half past two o'clock.

#### AFTERNOON SESSION.

The Senate re-assembled.

House Bill No. 9, "A Bill to amend the law in relation to the competency of witnesses," was read the second time, and ordered to its third reading.

House Bill No. 52, "A Bill to amend and re-enact the 1st section of chapter 5 of the Acts of 1864," was read the second time, and ordered to its third reading.

House Bill No. 53, "A Bill to amend and re-enact a part of the 1st section of chapter 20 of the Acts of the General Assembly of Virginia, passed at Richmond in 1861," was amended on motion of Mr. Hawkins, by striking out of the 7th line "thirty," and inserting "sixty," and by inserting after "minister," in the 6th line, the words "or other person." The bill was read the second time, and ordered to its third reading.

House Bill No. 119, "A Bill to amend and re-enact the 6th and 8th sections of an Act to incorporate the town of St. Mary, in the county of Wood, and for other purposes," was read the second time and ordered to its third reading.

House Bill No. 82, "A Bill amending the charter of the town of Grafton," was amended on motion of Mr. Burdett, by striking out

of the 5th line of the 1st section, the words "with said road and line," and inserting in lieu thereof the words "but excluding the property of John K. Knotts." The bill was then read the second time, and ordered to its third reading.

House Bill No. 123, "A Bill to amend an Act to incorporate the town of Piedmont, in the county of Mineral, (late Hampshire,)" was read the second time, and ordered to its third reading.

House Bill No. 126, "A Bill to incorporate the West Virginia Agricultural Society," was amended on motion of Mr. Stevenson, (Mr. Chapline in the chair,)—the amendment of the committee having been rejected—by striking out of the 6th line of the 1st section the words "West Virginia," and, on motion of Mr. Burley, by inserting in the blank the words "North West Virginia."

The bill was then read the second time, and ordered to be read the third time.

On motion of Mr. Peck, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said bill read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Slack and Wright—17.

NAYS—None.

House Bill No. 130, "A Bill for the relief of Home Guards," was amended on motion of Mr. Peck, by striking out all after the enacting clause, and inserting the following:

1. No suit or action shall be maintained in the courts of this State against any person for any act done in the suppression of the late rebellion; and it shall be a sufficient defense to such suit or action, to show that such act was done in obedience to the orders, or by the authority of any civil or military officer of this State, of the reorganized government of Virginia, or the Government of the United States; or that said act was done in aid of the purposes and policy of said authorities, in retarding, checking and suppressing the late rebellion.

On motion of Mr. Burley, the said bill was further amended by adding the following additional section:

2. All suits brought, or that may hereafter be brought, against the State or Home Guards to recover back the sum or sums collected as aforesaid, and paid to the parties robbed as aforesaid, shall be dismissed at the plaintiffs cost.

The bill was then read the second time, and ordered to its third reading.

On motion of Mr. Chapline, the case being urgent, and three-fourths of the members present consenting thereto, the rule was

suspended for the purpose, and said bill read the third time, and passed :

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Hagar, Hawkins, Kitchen, Mahon, Peck, Price and Slack—12.

NAYS—Messrs. Burdett, Dix, Haymond and O'Brien—4.

The title was amended on motion of Mr. Chapline, by inserting after the word "of" the words "State and," and, as amended, the title was passed.

Senate Bill No. 75, "A Bill in relation to the undetermined cases in the Supreme Court of Appeals of Virginia, belonging to this State," was read the first time.

On motion of Mr. Peck, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, the bill read the second time this day, and ordered to be engrossed, and being forthwith engrossed, on motion of the same gentleman, the rule was again suspended, the bill read the third time this day, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, and Slack—16.

NAYS—None.

Senate Bill No. 71, "A Bill in relation to justices and the municipal court of Wheeling," was read the second time, and ordered to be engrossed ; and being forthwith engrossed,

On motion of Mr. Peck, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, the bill was read the third time, and passed with its title :

• YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Slack—16.

NAYS—None.

The substitute for Senate Bill No. 9, "A Bill in relation to certain deeds in Monroe county," was adopted, the bill read the second time, and ordered to be engrossed ; and being forthwith engrossed,

On motion of Mr. Peck, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, the bill read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Dix, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Slack—14.

NAYS—Messrs. Burdett and Corley.—2.



A message from the House of Delegates by Mr. Hinkle, announced that the House had passed and asked concurrence in House Bill No. 158, "A Bill in relation to the Statutes of Limitation," and the bill was read the first time, and referred to the Committee on the Judiciary.

On motion of Mr. Chambers, Senate Bill No. 20, "A Bill to amend the charter of the West Virginia Central Railway Company," was taken up, and made the special order for to-morrow at 11 o'clock.

On motion of Mr. Corley, Senate Bill No. 28, "A Bill for the establishment of the West Virginia Agricultural College," was taken up, and the substitute adopted by the House, disagreed to.

On motion of Mr. Maxwell, House Bill No. 79, "A Bill to charter a road in Gilmer, Ritchie and Tyler counties," was taken from the table, read the second time, and ordered to its third reading.

On motion of Mr. O'Brien, House Bill No. 122, "A Bill to authorize the board of trustees of the Presbyterian Church of Buckhannon to sell a certain lot," was taken from the table, read the second time, and ordered to its third reading.

The Senate then adjourned.

---

TUESDAY, FEBRUARY 27, 1866.

The Senate met at the usual hour, and after prayer by Rev. Mr. Hervey, the journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
February 26, 1866. }

The House has this day agreed to the amendments proposed by the Senate to House Bill No. 36, "A Bill to provide for the establishment of a system of Free Schools,"

House Bill No. 58, "A Bill to regulate the registration of voters,"

House Bill No. 74, "A Bill providing for obtaining grants for lands where the entries are lost or destroyed," and

House Bill No. 106, "A Bill to authorize the Board of Supervisors of Hampshire county to borrow money,"

It has passed Senate Bill No. 50, "A Bill for the benefit of married women in insuring the lives of their husbands," and has passed

Senate Bill No. 40, "A Bill to authorize Adam Kuhn and others to sink a coal shaft in the town of Wellsburg, and for other purposes," with the following amendments, in which it respectfully asks the concurrence of the Senate:

1. Insert as section 4, changing the number of the present section 4 to 5, the following:

"4. The aforesaid Adam Kuhn, John Tweed and Samuel George, and such others as they may associate with them, and their legal representatives, shall, in legal manner, constitute some person their attorney, with full powers to comply with the provisions of this section, who shall, within ten days after the first day of January, April, July and October of each year, make a report under oath to the auditor of this State, of the quantity of coal mined within the territory named in the first section of this act, and shall pay into the treasury of the State for the purposes of education, two mills for each bushel of coal so mined, and in default of compliance with the provisions of this section, the privileges granted in this act shall be forfeited, and the coal privileges herein granted shall revert to the State."

2. Strike out of the title the words "and for other purposes."

It has also passed and respectfully asks concurrence in House Bill No. 146, "A Bill to amend and re-enact the charter of the town of Sistersville, in the county of Tyler," and

House Bill No. 159, "A Bill to provide for submitting to the people of West Virginia the proposed amendment to the constitution."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

The Senate disagreed to the amendments proposed by the House to said Senate Bill No. 40, and directed Mr. Burley so to inform the House.

Mr. Maxwell, from the Committee on the Judiciary, reported back the following bills, recommending that they do not pass:

Senate Bill No. 36, "A Bill to encourage immigration into West Virginia."

Senate Bill No. 69, "A Bill to amend and re-enact the 8th and 9th sections of chapter 93, of the acts of 1863."

Senate Bill No. 70, "A Bill to prevent suits in certain cases," and

House Bill No. 135, "A Bill to regulate the summoning of jurors."

Mr. Maxwell, from the same Committee, reported back the following bills, recommending their passage:

House Bill No. 19, "A Bill in relation to evidence in actions involving the title to lands."

House Bill No. 96, "A Bill establishing and rearranging the tenth and eleventh judicial circuits of this state, and providing for the appointment of a judge of the eleventh circuit,"

House Bill No. 117, "A Bill prescribing the standard weight of bituminous coal,"

House Bill No. 118, "A Bill concerning marriages between colored persons," and

House Bill No. 94, "A Bill fixing the times of holding the courts in the several counties of the tenth and eleventh judicial circuits."

Mr. Maxwell, from the same Committee, reported back House Bill No. 54, "A Bill concerning cases transferred from the Supreme Court of Appeals and District Courts of Virginia, to the Supreme Court of Appeals of West Virginia," recommending its passage with an amendment striking out of the 2d section all after the word "made," in line 17, engrossed bill.

Mr. Maxwell also reported back House Bill No. 158, "A Bill in relation to the statutes of limitation," recommending its passage with the following amendments:

1. Insert after the word "providing," line 2, engrossed bill, the words "in trespass or case."

2. Insert after the word "Morgan," line 10, engrossed bill, the words "Jefferson, Berkeley."

Mr. Maxwell also reported Senate Bill No. 77, "A Bill to provide indexes to the journals of the Senate and House of Delegates."

Mr. Maxwell also reported back House Joint Resolution No. 16, "Providing for reprinting certain acts," recommending its adoption with an amendment inserting after the word "State," line 5, the words "the schedule accompanying the original constitution and the ordinances accompanying the amended constitution."

Mr. Burdett, from the Committee on Finance and Claims, reported back the following bills, recommending their passage:

House Bill No. 38, "A Bill for the relief of John D. Payne,"

House Bill No. 100, "A Bill for the relief of the securities of Wm. Grass, late sheriff of Putnam county," and

House Bill No. 134, "A Bill to authorize the Board of Public Works to audit claims against the State of Virginia."

Mr. Hawkins submitted the following report, which was adopted:

The Committee appointed to examine the Clerk's office, beg to report that the office is in proper order and seems to be carefully kept and the papers regularly filed, packed and endorsed.

A. HAWKINS, *Chairman.*

*February 27, 1866.*

On motion of Mr. Chapline, Senate Joint Resolution No. 12, "Concerning Berkeley Springs" was taken up, when he offered the following substitute therefor, which was adopted:

*Resolved by the Legislature of West Virginia,*

1. That the trustees of Berkeley Springs are hereby removed.

2. The judge of the tenth judicial circuit is hereby authorized and empowered to appoint twenty loyal trustees for the said Berkeley Springs, either from the old Board of Trustees or from amongst those who have not acted as trustees.

3. The judge of the tenth judicial circuit is hereby appointed *ex officio*, President of said Board of Trustees.

*Ordered*, That Mr. Chapline inform the House of the adoption of said resolution, and request concurrence.

Mr. Burdett offered Senate Joint Resolution No. 13, "Providing for the printing of public documents," as follows:

*Resolved by the Legislature of West Virginia,*

1. The Governor is hereby directed to have printed, before the regular meeting of the Legislature in the year 1867, five thousand copies of the Governor's annual message, and two thousand two hundred and fifty copies each of the reports of the several officers required to report to the Legislature through the Governor, and of any other document he may deem essential to accompany the message.

2. Of the documents to be printed as aforesaid, each officer making a report shall be entitled to two hundred and fifty copies thereof, and the Governor to the same number of the message, reports and documents, for the use of the executive department; and a like number of the same to be bound together and disposed of as the Governor may direct, and the residue shall be distributed between the Houses of the Legislature, in proportion to the number of members composing each.

On motion of Mr. Burdett, the rule was suspended, the resolution taken up and adopted.

*Ordered*, That Mr. Burdett inform the House of the adoption of said resolution, and request concurrence.

On motion of Mr. Chapline,

*Resolved*, That the Assisstant Clerk of the Senate be allowed the additional sum of forty-five dollars, for services rendered this session.

On motion of Mr. Burdett,

*Resolved*, That the Pages each be allowed the additional sum of twenty-five dollars for services rendered this session.

On motion of Mr. Dix,

*Resolved*, That such Senators as were compelled to take circuitous routes in coming to the Capital, on account of ice, or other causes, be allowed mileage for the additional distances that they were compelled to travel for the causes above stated.

House Bill No. 9, "A Bill to amend the law in relation to the competency of witnesses," was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Peck, Price, Slack and Wright—15.

NAYS—Messrs. Burdett, Haymond and O'Brien—3.

House Bill No. 52, "A Bill to amend and re-enact the 1st section of chapter 5 of the acts of 1864," was read the third time and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

House Bill No. 79, "A Bill to charter a road in Gilmer, Ritchie and Tyler counties," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

House Bill No. 82, "A Bill amending the charter of the town of Grafton," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

House Bill No. 53, "A Bill to amend and re-enact a part of the 1st section of chapter 20 of the acts of the General Assembly of Virginia, passed at Richmond in 1861," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck Price and Wright—16.

NAYS—None.

House Bill No. 119, "A Bill to amend and re-enact the 6th and 8th sections of an act to incorporate the town of St. Mary, in the county of Wood, and for other purposes," was read the third time and passed :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price and Wright—16.

NAYS—None.

On motion of Mr. Maxwell, the title was stricken out, and the following inserted : "A Bill to amend the charter of town of South Wheeling." The title as amended, was then passed.

House Bill No. 122, "A Bill to authorize the board of trustees of the Presbyterian Church of Buckhannon to sell a certain lot," was read the third time, and passed with its title :

YEAS.—Messrs. Stevenson, (President,) Burdett, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

House Bill No. 123, "A Bill to amend an act to incorporate the town of Piedmont, in the county of Mineral, (late Hampshire,)" was read the third time, and passed with its title :



YEAS—Messrs. Stevenson, (President,) Burdett, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

Senate Bill No. 20, "A Bill to amend the charter of the West Virginia Central Railway Company," was taken up as the special order at 11 o'clock; and the question being on the substitute offered by Mr. Burley therefor, it was rejected.

Mr. Burley then moved that the 2d section be stricken out; but the motion did not prevail.

A message from the House of Delegates by Mr. Davis, announced that that body had disagreed to the first and agreed to the second amendment proposed by the Senate to House Bill No. 116, "A Bill to provide for the repair of the roads and bridges throughout the State."

On motion of Mr. Burley, the Senate receded from so much of its first amendment to said bill as excepts from the provisions thereof the North Western Virginia Turnpike, and insisted on so much thereof as excepts the Kanawha Turnpike, asked for a committee of conference, and appointed thereon on the part of the Senate, Messrs. Burley and Dix.

The Senate took a recess until half past two o'clock.

#### AFTERNOON SESSION.

The Senate re-assembled.

The consideration of Senate Bill No. 20, "A Bill to amend the charter of the West Virginia Central Railway Company," was resumed.

Mr. Maxwell moved that the words "or such other company as they shall consolidate with," be stricken out of the 3d section, which was agreed to.

Mr. Maxwell then offered the following amendment:

Add at the end of section 3:

And upon the further condition that the said West Virginia Central Railway Company shall commence work upon its road at some point on the Baltimore and Ohio Rail Road, or on the North Western Virginia Railroad at some point on the line of its road to be selected by itself and construct and equip in running order twenty-five miles of its road southwardly in the direction of Charleston, simultaneously with that part of the road between Charleston and the mouth of Sandy River.

If the said road is not completed and equipped in running order in five years from the said first day of January, 1866, from Covington to the mouth of Sandy River, and from some point on the Baltimore and Ohio Rail Road, or on the North Western Virginia

Rail Road, southwardly for the distance of twenty-five miles in the direction of Charleston as aforesaid, this charter shall be void and cease to exist, and all the interest of the State in and to the Covington and Ohio Rail Road herein granted to the Central Virginia Railway Company shall revert to the State.

Mr. Burley moved to amend the said amendment so as to require the said company to commence their said improvement at some point on the Pennsylvania line, and not on the line of the Baltimore and Ohio Rail Road or North Western Virginia Rail Road; but the motion was not agreed to.

The said amendment offered by Mr. Maxwell was rejected.

The further consideration of said bill was then passed by.

The following bills were read the second time, and ordered to be read the third time:

House Bill No. 19, "A Bill in relation to evidence in actions involving the title to lands."

House Bill No. 38, "A Bill for the relief of John D. Payne."

House Bill No. 100, "A Bill for the releif of the securities of Wm. Grass, late sheriff of Putnam county."

House Bill No. 117, "A Bill prescribing the standard weight of bituminous coal."

House Bill No. 118, "A Bill concerning marriages between colored persons," and,

House Bill No. 134, "A Bill to authorize the Board of Public Works to audit claims against the State of Virginia."

The Senate refused to read House Bill No. 135, "A Bill to regulate the summoning of Jurors," the second time.

So the bill was defeated.

It also refused to read the second time the following bills:

Senate Bill No. 36, "A Bill to encourage immigration into West Virginia."

Senate Bill No. 69, "A Bill to amend and re-enact the 8th and 9th sections of chapter 93 of the acts of 1863," and

Senate Bill No. 70, "A Bill to prevent suits in certain cases."

So said bills were defeated.

The amendment proposed by the committee to House Joint Resolution No. 16, "Providing for re-printing certain acts," was agreed to, and the resolution adopted as amended.

*Ordered*, That Mr. Maxwell so inform the House.

Senate Bill No. 77, "A Bill to provide indexes to the journals of the Senate and House of Delegates," was read the first time, and

On motion of Mr. Chapline, the case being urgent, and three-fourths of the members present consenting thereto, the rule was

suspended for the purpose, and said bill read the second time, and ordered to be engrossed; and being forthwith engrossed, the rule was again suspended and the bill passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Hagar, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

*Ordered*, That Mr. Maxwell inform the House of Delegates thereof.

The amendment proposed by the Committee to House Bill No. 54, "A Bill concerning cases transferred from the Supreme Court of Appeals and District Courts of Virginia, to the Supreme Court of Appeals of West Virginia," was agreed to, the bill read the second time, and ordered to its third reading.

On motion of Mr. Maxwell, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, the bill read the third time and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

The amendments proposed by the Committee to House Bill No. 158, "A Bill in relation to the statutes of limitation," were adopted.

On motion of Mr. Hawkins, the counties of Marion, Harrison and Doddridge were stricken out.

The bill was then read the second time and ordered to its third reading.

On motion of Mr. Chapline, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, the bill read the third time and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

*Ordered*, That Mr. Maxwell inform the House of the passage of the two bills last named, and request concurrence in said amendments.

House Bill No. 94, "A Bill fixing the times of holding the Courts in the several counties of the tenth and eleventh judicial circuits," was read the second time, and ordered to its third reading.

On motion of Mr. Maxwelll, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, said bill read the third time and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

House Bill No. 96, "A Bill establishing and rearranging the tenth and eleventh judicial circuits of this State, and providing for the appointment of a judge of the eleventh circuit," was read the second time and ordered to its third reading.

On motion of Mr. Maxwell, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, said bill read the third time and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

A message from the House of Delegates, by Mr. Johnson, announced that that body insisted on its substitute for Senate Bill No. 28, "A Bill for the establishment and regulation of the West Virginia Agricultural College," appointed Messrs. Hagans, Koonce and Johnson as a Committee of Conference thereon on its part, and asked similar action on the part of the Senate.

On motion of Mr. Hagar, the Senate insisted on its disagreement to said substitute and agreed to appoint a Conference Committee. The President appointed as such Committee Messrs. Price and Mahon.

House Bill No. 159, "A Bill to provide for submitting to the people of West Virginia the proposed amendment to the constitution," was read the first time, and ordered to its second reading.

House Bill No. 146, "A Bill to amend and re-enact the charter of the town of Sistersville, in the county of Tyler," was read the first time, and ordered to its second reading.

On motion of Mr. Maxwell, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said bill taken up on its second reading.

On motion of Mr. Burley, it was amended by inserting after the word "oaths," line 4, section 7, the words "as required of officers by the act passed November 16, 1863," and

The bill was then read the second time, and ordered to its third reading.

On motion of Mr. Maxwell, the case being urgent, and three-fourths of the members present consenting thereto, the rule was again suspended for the purpose, the bill read the third time and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Slack and Wright—15.

NAYS—Mr. Burdett—1.

*Ordered*, That Mr. Chapline inform the House of the passage of said bill, and ask concurrence in said amendment.

Mr. Burdett, from the Committee on Finance and Claims, reported back House Bill No. 109, "A Bill to provide for the payment of certain military claims therein mentioned," and Senate Bill No. 76, "A Bill for the relief of the citizens of Morgan county," recommending their passage.

The consideration of Senate Bill No. 20, "A Bill to amend the charter of the West Virginia Central Railway Company," was again resumed.

Mr. Burley moved to amend the 4th section by inserting after "Virginia," line 4, the words "except with the Baltimore and Ohio Railroad Company;" but the amendment was rejected.

On motion of Mr. Maxwell the following was added as section 5:

The Legislature reserves the right to alter or amend this act and to regulate the rates of tolls for transportation and travel over the West Virginia Central Railway, and over any road or roads with which the same may connect, under this act, so that such rates shall not be less than those charged on other railroads in the United States for similar transportation and travel.

On motion of Mr. Burley, the bill was laid on the table.

The Senate then adjourned.

---

#### THURSDAY, FEBRUARY 28, 1866.

The Senate met at the usual hour, and after prayer by Rev. Mr. Barnitz, the reading of the journal was dispensed with.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
*Wheeling, February 27, 1866* }

The House has this day agreed to the amendments proposed by the Senate to

House Bill No. 15, "A Bill to provide for the sale of real estate returned delinquent for the non-payment of taxes."



House Bill No. 54, "A Bill concerning cases transferred from the Supreme Court of Appeals and District Courts of Virginia to the Supreme Court of Appeals of West Virginia."

House Bill No. 126, "A Bill to incorporate the West Virginia Agricultural Society."

House Bill No. 130, "A Bill for the relief of Home Guards."

House Bill No. 146, "A Bill to amend and re-enact the charter of the town of Sistersville in the county of Tyler," and

House Bill No. 158 "A Bill in relation to the Statutes of limitations."

And it has indefinitely postponed the further consideration of Senate Bill No. 40, "A Bill to authorize Adam Kuhn and others to sink a coal shaft in the town of Wellsburg, and for other purposes."

WM. P. HUBBARD,  
*Clerk House of Delegates.*

On motion of Mr. Peck, Mr. O'Brien, was permitted to change his vote from the negative to the affirmative, on the passage of House Bill No. 130, "A Bill for the relief of Home Guards."

Mr. Burdett submitted the following, which was adopted :

The Committee on Executive Expenditures beg leave to submit the following report : That we have examined the office of Governor; and everything pertaining to the same, is in good order and the accounts have been accurately kept, and give full satisfaction to the Committee.

J. S. BURDETT, *Chairman.*

Mr. Wright, submitted the following, which was adopted :

The Committee on the Library upon whom devolves the duty of examining the State Library, beg leave to report : That they have performed that duty, and find that the present Library of the State consists of Reports and Journals received from the Executives of other States since the organization of the State, with reports of State officers, and Acts and Journals of the Legislature of this State, and the United States Statutes for the same period. Your Committee find that the number of volumes is near five hundred, not classified, the number not being sufficient to render a classification practicable or necessary. The volumes are properly marked as the property of the State, and are well taken care of in tight cases. All which is respectfully submitted.

E. D. WRIGHT, *Chairman.*

Mr. Price, submitted the following, which was adopted :

The Committee of Conference upon the disagreeing vote of the two Houses upon Senate Bill No. 28, respectfully report that they have had the same under consideration, and a majority of the Committee recommend that the House of Delegates recede from their amendment and agree to the bill as it passed the Senate. All of which is respectfully submitted.

H. HAGANS, }  
WM. PRICE, } *Chairmen.*

Mr. Wright, submitted the following, which was adopted :

The Committee on Executive offices beg leave to report : That they have examined the offices of the Auditor, Treasurer, Secretary of the State, Adjutant General and Quartermaster General, and that the books, vouchers and papers and everything pertaining to the same are in good order, and that the accounts in each of the offices have been accurately kept, and give entire satisfaction to the Committee.

E. D. WRIGHT, *Chairman*,  
On the part of the Senate.

A. W. BROWN, *Chairman*,  
On the part of the House.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported back Senate Bill No. 67, "A Bill in relation to the Guyandotte Navigation Company," recommending its passage; and the bill was read the second time and ordered to be engrossed; and being forthwith engrossed,

On motion of Mr. Hagar, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, the bill read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Mahon, Price, Slack and Wright—14.

NAYS—None.

*Ordered*, That Mr. Burdett inform the House of Delegates thereof.

Mr. Chapline, made a personal explanation concerning a publication in the *Wheeling Register* of this date.

On motion of Mr. Hawkins,

\* *Resolved*, That the local article in the *Wheeling Register* of this date, reflecting on the character of Senator J. A. Chapline, is considered by this body as a scurrilous article, discreditable to its author and said paper.

Mr. Hagar, by leave introduced Senate Bill No. 76, "A Bill in relation to suits in Logan county," which was read the first time, and referred to the Committee on the Judiciary.

On motion of Mr. Wright,

*Resolved*, That the Sergeant-at-arms and Doorkeeper of the Senate, be allowed mileage and the Janitor one dollar per day extra.

House Bill No. 19, "A Bill in relation to evidence in actions involving the title to lands," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—19.

NAYS—None.

House Bill No. 38, "A Bill for the relief of John D. Payne," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—19.

NAYS—None.

House Bill No. 100, "A Bill for the relief of the securities of Wm. Grass, late sheriff of Putnam county," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

House Bill No. 117, "A Bill prescribing the standard weight of bituminous coal," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—19.

NAYS—None.

House Bill No. 118, "A Bill concerning marriages between colored persons," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hager, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—19.

NAYS—None.

House Bill No. 134, "A Bill to authorize the board of Public Works to audit claims against the State of Virginia," was read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—19.

NAYS—None.

A message from the House of Delegates by Mr. McWhorter, announced that that body had passed and asked concurrence in

House Bill No. 156, "A Bill in relation to elections by the people."

The said bill was read the first time, and ordered to its second reading, under a suspension of the rule and amended, on motion of Mr. Chapline, by striking out of the 6th line of the 1st section the words "or before."

The bill was then read the second time, and ordered to its third reading.

On motion of Mr. Chapline, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, said bill read the third time, and passed with its title.

YEAS—Messrs. Stevenson, (President,) Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Mahon, Maxwell, O'Brien, Peck, Price and Wright—15.

NAYS—Mr. Burdett—1.

*Ordered*, That Mr. Chapline inform the House of Delegates thereof.

House Bill No. 109, "A Bill to provide for the payment of certain military claims therein named," was read the second time, and ordered to its third reading.

On motion of Mr. Burdett, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, said bill read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

A message was received from the Governor, enclosing a communication from the Governor of Virginia, which were respectively read as follows:

THE STATE OF WEST VIRGINIA,        }  
EXECUTIVE DEPARTMENT,               }  
WHEELING, Feb. 28, 1866.        }

*To the Senate and House of Delegates:*

I have just received from His Excellency, the Governor of Virginia, a communication enclosing an act passed by the General Assembly of that State, February 26, 1866, entitled "An Act to incorporate the Covington and Ohio Railroad Company;" which communication and act are herewith submitted for your consideration and action. This is a matter of great interest to the State; but my attention has been so recently called to the particular proposition contained in these papers, and the period for your adjournment is so near at hand, that I have not the time necessary to

a proper examination and discussion of its merits. I recommend, however, that if it be possible, before you adjourn, that you take such action on the subject as its great importance demands.

A. I. BOREMAN.

THE COMMONWEALTH OF VIRGINIA,  
EXECUTIVE DEPARTMENT,  
RICHMOND, Feb. 26th, 1866. }

To His Excellency, GOV. BOREMAN,  
*Wheeling, W. Va.*

SIR—In obedience to an act of the General Assembly of Virginia passed this day, entitled "An Act to incorporate the Covington and Ohio Railroad Company," I herewith transmit you a copy of the bill, you will see by the provisions of the bill that it contemplates concurrent action on the part of the Legislature of West Virginia.

The proposed improvement is of great importance to the people of both States, residing in the section through which it passes. It will also form another of those great arteries of commerce and travel between the East and West, now so much needed. I am in hopes that it will reach you in time for you to submit it with your approval to the Legislature of your State.

In order that there may be no delay in the transmission of this act, your old friend Col. Jas. G. Paxton is charged with conveying it to you personally.

I am, with great respect, yours truly,  
F. H. PEIRPOINT.

On motion of Mr. Stevenson, (Mr. Maxwell in the chair) the said documents and the accompanying act were referred to the Committee on Internal Improvements and Navigation.

House Bill No. 159, "A Bill to provide for submitting to the people of West Virginia the proposed amendment to the constitution," was amended on motion of Mr. Maxwell, as follows:

1. Strike out of line 9, section 1, the word "passed" and insert "agreed to," and in line 10, same section, after "West Virginia," insert "adopted."

2. Add at the end of section 2; "provided, that the ballot used for voting for ratification or for rejection of said proposed amendment, shall be the same piece of paper used in voting for county and township officers at said election."

3. Strike out of line 5 and 6, section 5, the words "general election law," and insert "act to regulate elections by the people."

Mr. Haymond moved that the 1st section be amended by striking out "May" and inserting "October," but the motion was lost.

The bill was then read the second time, and ordered to its third reading.

On motion of Mr. Mahon, the case being urgent, and three-fourths of the members present consenting thereto, the rule was



suspended for the purpose, said bill read the third time, and passed :

YEAS—Messrs. Stevenson, (President,) Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Mahon, Maxwell, Price, Slack and Wright—15.

NAYS—Mr. Burdett—1.

On motion of Mr. Maxwell, the title was amended by adding thereto the words "of this State," the bill as amended was then passed.

*Ordered*, That Mr. Maxwell inform the House of Delegates thereof.

Senate Bill No. 76, "A Bill for the relief of the citizens of Morgan county," was read the second time, and ordered to its third reading.

On motion of Mr. Chapline, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, said bill read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, Price, Slack and Wright—16.

NAYS—None.

*Ordered*, That Mr. Chapline inform the House of Delegates thereof.

Mr. Price, from the Committee on Townships, reported back House Bill No. 129, "A Bill supplemental to the act establishing the county of Grant," without recommendation.

The bill was read the second time, and ordered to its third reading.

On motion of Mr. Kitchen, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said bill read the third time and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Mahon, Price, Slack and Wright—15.

NAYS—None.

On motion of Mr. Burdett, Senate Joint Resolution No. 7, "To provide a medal for General Samuel D. Karns," was taken up and adopted.

*Ordered*, That Mr. Burdett so inform the House.

On motion of Mr. Chambers,

*Resolved*, That the President of the Senate proceed to issue a writ of election to fill the vacancy in the 9th Senatorial District which election shall be held on the 4th Thursday of May 1866.

The Senate then took a recess until half past two o'clock.

AFTERNOON SESSION.

A message from the House of Delegates by Mr. McWhorter, announced that it had passed and asked concurrence in House Bill No. 161, "A Bill supplemental to the act to regulate the Registration of voters," which was read the first time.

On motion of Mr. Chapline, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, said bill read the second time, and ordered to its third reading; and for a like reason, the rule was again suspended, the bill read the third time and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck and Price—15.

NAYS—None.

A message from the House of Delegates by Mr. Pinnell, announced that that body had passed and asked concurrence in

House Bill No. 131, "A Bill appropriating the public revenue for the fiscal year 1866."

House Bill No. 144, "A Bill to legalize the qualification and official bonds of John N. Lowden, and J. L. D. Brake, justices of Warren township, Upshur county," and

House Bill No. 147, "A Bill concerning Hawkers and Pedlars," all of which were read the first time.

On motion of Mr. Mahon, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said bills each read the second time, and ordered to their third reading; and

On motion of Mr. Corley, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said House Bill No. 144, was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Chapline, Corley, Dix, Duval, Hagar, Haymond, Kitchen, Mahon and O'Brien—11.

NAYS—None.

On motion of Mr. Chapline, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said House Bill No. 147, was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Chapline, Corley, Dix, Duval, Hagar, Haymond, Kitchen, Mahon and O'Brien—11.

NAYS—None.

A message from the House of Delegates by Mr. Bell, announced that that body had passed and asked concurrence in

House Bill No. 84, "A Bill to amend and re-enact an act entitled 'An act to incorporate the Little Kanawha Navigation Company,' passed February 4, 1863, and the act to amend and re-enact the first and third sections of the said act, passed March 1st, 1864."

House Bill No. 105, "A Bill further to amend the law concerning corporations," and

House Bill No. 136, "A Bill for the relief of Henry J. Whitehouse."

All of said bills were read the first time.

On motion of Mr. Hagar, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and each of said bills read the second time, and ordered to their third reading.

On motion of Mr. Mahon, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said House Bill No. 84, was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Chapline, Corley, Dix, Duval, Hagar, Haymond, Kitchen, Mahon and O'Brien—11.

NAYS—None.

On motion of Mr. Chapline, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said House Bill No. 105, was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Chapline, Corley, Dix, Duval, Hagar, Haymond, Kitchen, Mahon and O'Brien—11.

NAYS—None.

On motion of Mr. Mahon, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said House Bill No. 136, was read the third time, and passed with its title:

YEAS—Messrs. Stevenson, (President,) Burdett, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon and O'Brien—13.

NAYS—None.

Mr. McCoy, from the House of Delegates, announced that that body had passed and asked concurrence in House Bill No. 160, "A Bill for the relief of B. S. Cook, of Roane county," which was read the first time.

On motion of Mr. Maxwell, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said bill read the second time, and ordered to its third reading, and for a like reason, the rule was again suspended the bill read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck and Price—15.

NAYS—None.

A message from the House of Delegates by Mr. Davis, announced that that body had adopted and asked concurrence in House Joint Resolution No. 20, as follows :

WHEREAS, The rebellion has been subdued by the force of arms and peace now reigns within our borders, and desiring that our State should enter upon that career of prosperity and progress to which her natural advantages entitle her, we deem it proper to set forth the principles of State and national policy, which we now consider important to that end, therefore be it resolved :

1st. That we owe a debt of lasting obligation to the living soldiers, and will ever cherish and revere the memory of the dead ; who, by unparalleled sacrifice, persistent resolution and heroic valor saved our State and Nation.

2nd. That we approve the votes given by our Congressmen, Messrs. Hubbard and Latham, against allowing negroes to vote in the District of Columbia.

3rd. That we are opposed to extending the right of suffrage to colored persons in this State, but that justice and sound policy alike require that other privileges of citizens not inconsistent therewith, be allowed them.

4th. That the administration of Andrew Johnson so far, meets the just expectation of those who supported him when elected, and that we have full confidence in his wisdom and patriotism for the future ; and that his recent official acts and declared policy of reconstruction has our unqualified approval.

On motion of Mr. Chapline, the said resolution was laid on the table.

A message from the House of Delegates by Mr. Bell, announced that that body had passed and asked concurrence in House Bill No. 85, "A Bill to incorporate the Laurel Fork and Sand Hill Railroad Company."

The bill was read the first time.

On motion of Mr. Mahon, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, said bill read the second time, and ordered to its third reading; and on motion of the same gentleman the rule was again suspended for a like reason, and said bill read the third time, and passed with its title :

YEAS.—Messrs. Stevenson, (President,) Burdett, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Price and Wright—15.

NAYS—None.

The Senate took a recess until 5½ o'clock.

#### EVENING SESSION.

Mr. Burley, from the Committee on Internal Improvements and Navigation, reported.

Senate Bill No. 79, "A Bill to incorporate the Covington and Ohio Railroad Company," which was read the first time.

On motion of Mr. Burley, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, said bill read the second time, and ordered to its third reading; and for a like reason, on motion of Mr. Peck, the rule was again suspended, the bill read the third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—19.

NAYS—None.

A message from the House of Delegates, by Mr. Hagans, announced that that body had passed and asked concurrence in

House Bill No. 138, "A Bill for the extension of the corporate limits of the town of Brandonville in Preston county," and

House Bill No. 140, "A Bill authorizing the trustees of the Methodist Episcopal Church in the town of Clarksburg to sell their church lot."

The first named bill was read the first time.

On motion of Mr. Burdett, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said Bill No. 138, was read the second time, and ordered to its third reading; and on motion of the same gentleman, and for a like reason, the rule was again suspended for the purpose, and said bill read the third time, and passed with its title :



YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Haymond, Kitchen, Mahon, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

On motion of Mr. Peck,

*Resolved*, That the Clerk of the Senate be paid mileage in addition to his *per diem* allowance.

Mr. Burdett, moved that the Senate take up House Joint Resolution No. 20, "Thanking soldiers, opposing negro suffrage, and endorsing the administration of Andrew Johnson," but the motion was rejected.

The Senate then adjourned.

THURSDAY, MARCH 1, 1866.

The Senate met at the usual hour, and after prayer by Rev. Mr. Barnitz, the journal of yesterday was read and approved.

The following communication was received from the House of Delegates:

CLERK'S OFFICE, HOUSE OF DELEGATES, }  
February 28, 1866. }

The House has this day passed Senate Bill No. 12, "A Bill to authorize the judge of the ninth judicial circuit of West Virginia to fill official vacancies in his circuit,"

Senate Bill No. 67, "A Bill in relation to the Guyandotte Navigation Company,"

Senate Bill No. 74, "A Bill to incorporate the Wheeling and Moundsville Turnpike Company,"

Senate Bill No. 77, "A Bill to provide indexes to the journals of the Senate and House of Delegates," and adopted

Senate Joint Resolution No. 11, "Providing for the appointment of trustees for Berkeley Springs," and

Senate Joint Resolution No. 13, "Providing for printing the executive message and documents."

It has also agreed to the amendments proposed by the Senate to

House Bill No. 53, "A Bill to amend and re-enact a part of the 1st section of chapter 20, of the Acts of the General Assembly of Virginia, passed at Richmond in 1861,"

House Bill No. 82, "A Bill amending the charter of the town of Grafton,"

House Bill No. 119, "A Bill to amend and re-enact the 6th and 8th sections of the Charter of the town of St. Mary, in the county of Wood,"

House Bill No. 156, "A Bill in relation to elections by the people,"

House Bill No. 159, "A Bill to provide for submitting to the people of West Virginia the proposed amendment to the constitution," and

House Joint Resolution No. 16, "Providing for reprinting certain acts."

It has receded from its disagreement to the remaining Senate amendment to

House Bill No. 116, "A Bill to provide for the repair of the Roads and Bridges throughout the State,"

Receded from its amendment to the Senate substitute for

House Bill No. 59, "A Bill to prevent the further taxation of soldiers for bounty purposes."

It has passed and respectfully asks the concurrence of the Senate in House Bill No. 139, "A Bill to provide for the purchase of books for the library of the Supreme Court of Appeals,"

House Bill No. 141, "A Bill in relation to the duties of Prosecuting Attorneys," and

House Bill No. 157, "A Bill to charter a road in Taylor and Barbour Counties."

It has rejected the report of the Committee of Conference on the disagreeing votes of the two Houses on Senate Bill No. 28, "A Bill to provide for the establishment and regulation of the West Virginia Agricultural College," and has adhered to its substitute therefor.

WM. P. HUBBARD,  
*Clerk House of Delegates.*

On motion of Mr. Burdett, said Senate Bill No. 28 was laid on the table.

Mr. Price, from the Committee on Townships, reported back House Bill No. 70, "A Bill to establish and settle a part of the boundary line between the counties of Barbour and Upshur," which, on motion of Mr. O'Brien was laid on the table.

Mr. Dix, from the Committee on Education, reported back Senate Bill No. 47, "A Bill relating to the Schools of Wheeling and parts of townships connected therewith," which, on motion of Mr. Chapline, was laid on the table.

Mr. Peck, by leave, introduced Senate Bill No. 80, "A Bill to authorize John G. Jacob, David Fleming and Campbell Tarr, to mine for coal and other minerals under the bed of the Ohio river," which, on his motion, was read the first time and laid on the table.

Mr. Chapline offered the following resolution :

Senate Joint Resolution No. 14, "Providing for the distribution of the acts and journals :

*Resolved by the Legislature of West Virginia,* That the 500 copies of the acts in sheets, to which the members of this Legislature are entitled, be, by the public printer, bound as the other acts of the session are bound, and delivered to the clerk of the House of Delegates, whose duty it is made to forward the same as soon as practicable, to the members of this Legislature.

On motion of Mr. Chapline, the rule was suspended and the Senate adopted the resolution, and directed Mr. Chapline so to inform the House.

House Bill No. 131, "A Bill appropriating the public revenue for the fiscal year 1866," was amended on motion of Mr. Peck, by striking out of the paragraph making an appropriation to the Commissioner of Immigration "five hundred," and inserting "one thousand," and inserting in the same paragraph the words "and to be expended," after the word "expended."

The bill was then read the second time, and ordered to its third reading.

On motion of Mr. Stevenson, (Mr. Chapline in the Chair,) the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said bill read the third time and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Corley, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—18.

NAYS—None.

House Bill No. 140, "A Bill authorizing the trustees of the Methodist Episcopal Church, in the town of Clarksburg, to sell their church lot," was read the first time.

On motion of Mr. Maxwell, the case being urgent, and three-fourths of the members present consenting thereto, the rule was suspended for the purpose, and said bill read the second and third time, and passed with its title :

YEAS—Messrs. Stevenson, (President,) Burdett, Burley, Chambers, Chapline, Dix, Duval, Hagar, Hawkins, Kitchen, Mahon, Maxwell, O'Brien, Peck, Price, Slack and Wright—17.

NAYS—None.

On motion of Mr. Chambers, the vote taken yesterday adopting the resolution in regard to issuing a writ of election to fill the vacancy in the 9th Senatorial district, was re-considered, and the question recurring on the adoption of the said resolution, on motion of Mr. Chambers the word "May" was stricken out and "October" inserted.

The resolution was then adopted.

Mr. Burdett moved to suspend the rules, so as to take up House Joint Resolution No. 20, "Thanking soldiers, opposing negro suffrage, and endorsing the administration of Andrew Johnson," but the motion was disagreed to.

On motion of Mr. Mahon, the Senate took a recess until five o'clock, P. M.

AFTERNOON SESSION.

The Senate re-assembled at 5 o'clock.

Mr. Duval, by leave, introduced Senate Bill No. 81, "A Bill granting certain citizens of Brooke county the right to mine coal,

and to take the same from the several strata beneath the bed of the Ohio river," which was read the first time, and laid on the table on motion of Mr. Duval.

On motion of Mr. Duval,

*Resolved*, That the thanks of the Senate are hereby tendered to the Clerk, Assistant Clerk, Door Keeper, Sergeant-at-Arms, and Pages, for the prompt and faithful discharge of their respective duties the present session.

On motion of Mr. Slack,

*Resolved*, That the thanks of this body is hereby tendered to the Clergy of the different denominations of this city for their promptness in attending our daily sessions, and opening the same with prayer.

On motion of Mr. Burdett,

*Resolved*, That the thanks of the Senate are hereby tendered to the President, for the able, courteous and impartial manner in which he has presided over its deliberations.

On motion of Mr. Stevenson, (Mr. Burdett in the chair),

The Senate took a recess until half-past seven o'clock.

#### EVENING SESSION.

The Senate re-assembled at half-past seven o'clock, and was called to order by Mr. Maxwell.

On motion of Mr. Chapline, the Senate took a further recess until 10 o'clock, P. M.

#### NIGHT SESSION.

The Senate re-assembled.

Mr. Price from the Committee on Enrolled Bills, reported that said Committee had examined and found correctly enrolled the following Acts and Joint Resolutions:

No. 14.—Joint Resolution to secure an appropriation by Congress for the payment of certain military claims in this State during the late war.

Chap. 42.—An Act to construct a Milldam across Elk River, at Sutton, Braxton county.

Chap. 43.—An Act for the relief of St. Clair Rains, of Kanawha county.

Chap. 44.—An Act to repeal sections 22 and 23 of chapter 163 of the Code of Virginia, second edition.

Chap. 45.—An Act to provide a Penitentiary for the State.

Chap. 46.—An Act to ratify on certain terms, the Acts of the General Assembly of Virginia, passed February 3d, 1866, relating to the Virginia Canal Company.

Chap. 47.—An Act amending the charter of the town of Martinsburg.

Chap. 48.—An Act to legalize the poor tax levied by the County Court of Berkeley county in the year 1863.

Chap. 49.—An Act to amend and re-enact the act regulating allowances to county officers.

Chap. 50.—An Act relating to suits brought against Supervisors and Inspectors of elections; and providing for the payment of their costs in defending the same.

Chap. 51.—An Act to provide for the re-assessment of the value of all real estate within this State.

Chap. 52.—An Act to relinquish to the Maryland and Virginia Bridge Company, the stock in said Company belonging to the State.

Chap. 53.—An Act to amend section 12 of chapter 80 of the acts of 1865.

Chap. 54.—An Act to transfer certain lands in Ohio county to the Board of Education of certain townships therein.

Chap. 55.—An Act in relation to actions of detinue.

Chap. 56.—An Act to incorporate the Wayne County Coal and Iron Railway Company.

Chap. 57.—An Act in relation to the Sixth and Seventh Judicial Circuits, and the times of holding the terms of the Circuit Courts therein.

Chap. 58.—An Act to provide punishment for the cutting down, injuring or destroying trees or shrubs.

Chap. 59.—An Act to incorporate the town of Ceredo, in the county of Wayne.

Chap. 60.—An Act to consolidate the towns of Moundsville and Elizabethtown.

Chap. 61.—An Act to amend and re-enact the first section of an act passed February 1st, 1847, entitled "An Act to incorporate the Male and Female Academy of Buckhannon.

Chap. 62.—An Act to dissolve and close the Branch of the Exchange Bank of Virginia, at Weston.

Chap. 63.—An Act for the relief of Francis H. Peirpoint.

Chap. 64.—An Act to repeal chapter eight of the acts of 1865.

Chap. 65.—An Act for the relief of the Overseers of the Poor of the county of Brooke.

Chap. 66.—An Act to dispense with the assessment of back taxes in certain counties.

Chap. 67.—An Act supplemental to the act establishing the county of Mineral.

Chap. 68.—An Act to amend section 1st of chapter 78 of the Act of the General Assembly of Virginia.



Chap. 69.—An Act changing the time of holding the terms, for civil business, of the municipal court of Wheeling.

Chap. 70.—An Act to establish the 11th Senatorial District out of a part of the 10th.

Chap. 71.—An Act to relieve the securities of Joshua H. Staats late sheriff of Jackson county.

Chap. 72.—An Act to amend and re-enact the 1st section of an act entitled "An Act authorizing the present and former sheriffs of Ohio county to pay certain moneys to the treasurers of Ritchie and other townships in said county," passed February 16th, 1865.

Chap. 73.—An Act to change the terms of holding courts in the Eighth Judicial Circuit.

Chap. 74.—An Act providing for the establishment of a system of Free Schools.

Chap. 75.—An Act to provide for obtaining grants for lands where the entries are lost or destroyed.

Chap. 76.—An Act to authorize the Board of Supervisors of Hampshire county to borrow money.

Chap. 77.—An Act for the benefit of married women in insuring the lives of their husbands.

Chap. 78.—An Act to regulate the registration of voters.

Chap. 79.—An Act for the relief of John B. Baumgardner.

Chap. 80.—An Act to repeal a part of section 2 of chapter 58 of the Code of Virginia.

Chap. 81.—An Act making an appropriation to Robertson Cook.

Chap. 82.—An Act for the relief of Amos Samples of Upshur county.

Chap. 83.—An Act concerning the fiscal year.

Chap. 84.—An Act constituting the bank of the Potomac river, in Morgan county, a lawful fence.

Chap. 85.—An Act to incorporate the Potomac and Piedmont Coal and Rail Road Company.

Chap. 86.—An Act to amend an act to incorporate the town of Piedmont, in the county of Mineral, (late Hampshire.)

Chap. 87.—An Act to authorize the Board of Trustees of the Presbyterian Church of Buckhannon to sell a certain lot.

Chap. 88.—An Act to amend and re-enact the 1st section of chapter 5 of the acts of 1864.

Chap. 89.—An Act to amend the law in relation to the competency of witnesses.

Chap. 90.—An Act to provide for the sale of real estate returned delinquent for the non-payment of taxes.

Chap. 91.—An Act in relation to the Statute of Limitation.

Chap. 92.—An Act establishing and re-arranging the Tenth and Eleventh Judicial Circuits of this State, and providing for the appointment of a Judge of the Eleventh Circuit.

Chap. 93.—An Act fixing the times of holding the courts in the several counties of the Tenth and Eleventh Judicial Circuits.

Chap. 94.—An Act to incorporate the West Virginia Agricultural Society.

Chap. 95.—An Act to charter a road in Gilmer, Ritchie and Tyler counties.

Chap. 96.—An Act concerning cases transferred from the Supreme court of Appeals and District Courts of Virginia, to the Supreme Court of Appeals of West Virginia.

Chap. 97.—An Act for the relief of State and Home Guards.

Chap. 98.—An Act to amend and re-enact the charter of the town of Sistersville, in the county of Tyler.

Chap. 99.—An Act to provide indexes to the Journals of the Senate and House of Delegates.

Chap. 100.—An Act to refund the taxes collected from soldiers for bounty purposes.

Chap. 101.—An Act to incorporate the Wheeling and Moundsville Turnpike Company.

Chap. 102.—An Act concerning marriages between colored persons.

Chap. 103.—An Act to provide for the payment of certain military claims therein mentioned.

Chap. 104.—An Act in relation to evidence in actions involving the title of lands.

Chap. 105.—An Act to authorize the Board of Public Works to audit claims against the State of West Virginia.

Chap. 106.—An Act prescribing the standard weight of bituminous coal.

Chap. 107.—An Act for the relief of the securities of William Grass, late sheriff of Putnam county.

Chap. 108.—An Act for the relief of John D. Payne.

Chap. 109.—An Act in relation to the Guyandotte Navigation Company.

Chap. 110.—An Act amending the charter of the town of Grafton.

Chap. 111.—An Act further to amend the law concerning corporations.

Chap. 112.—An Act to authorize the Judge of the Ninth Judicial Circuit of West Virginia to fill official vacancies in his circuit.

Chap. 113.—An Act to incorporate the Laurel Fork and Sand Hill Rail Road Company.

Chap. 114.—An Act concerning Hawkers and Pedlars.

Chap. 115.—An Act to amend and re-enact a part of the first section of chapter twenty of the Acts of the General Assembly of Virginia, passed at Richmond in 1861.

Chap. 116.—An Act to legalize the qualification and official bonds of John N. Loudon and J. L. D. Brake, justices of Warren Township, Upshur county.

Chap. 117.—An Act to provide for the repair of the roads and bridges throughout the State.

Chap. 118.—An Act for the relief of B. S. Cook, of Boone county.

Chap. 119.—An Act for the extension of the corporate limits of the town of Brandonville, in Preston county.

Chap. 120.—An Act supplemental to the act establishing the county of Grant.

Chap. 121.—An Act for the relief of Henry J. Whitehouse.

Chap. 122.—An Act to amend and re-enact an act entitled "An Act to incorporate the Little Kanawha Navigation Company," passed February 4th, 1863, and the "Act to amend and re-enact the first and third sections of the said act," passed March 1st, 1864.

No. 15.—A Joint Resolution proposing to celebrate the anniversary of Washington's birthday.

No. 16.—A Joint Resolution in reference to printing the Governor's message concerning lunatics from this State in Virginia Asylums.

No. 17.—Joint Resolution providing for the appointment of trustees of the Berkeley Springs.

No. 18.—Joint Resolution providing for printing the executive message and documents.

No. 19.—Joint Resolution providing for re-printing certain acts.

No. 20.—Joint Resolution providing for the distribution of certain acts.

Chap. 123.—An Act to provide for submitting to the people of West Virginia the proposed amendment to the constitution of the State.

Chap. 124.—An Act supplemental to the act to regulate the registration of voters.

Chap. 125.—An act to amend the charter of the town of South Wheeling.

Chap. 126.—An Act in relation to elections by the people.

Chap. 127.—An Act authorizing the trustees of the Methodist Episcopal Church in the town of Clarksburg to sell their church lot.

Chap. 128.—An Act for the relief of the citizens of Morgan county.

Chap. 129.—An Act appropriating the public revenue for the fiscal year 1866.

Chap. 130.—An Act in relation to the undetermined cases in the Supreme Court of Appeals of Virginia, belonging to this State.

Chap. 131.—An Act to incorporate the Covington and Ohio Railroad Company.

Chap. 132.—An Act in relation to oaths of suitors.

WILLIAM PRICE, *Chairman*,

On the part of the Senate.

MARQUIS L. LOCKHART, *Chairman*,

On the part of the House.

The President having signed all the acts and joint resolutions of the Legislature,

Mr. Maxwell moved that a joint committee of one from the Senate and two from the House, be appointed to wait upon the Governor and ascertain if he has any further communication to make to the Legislature, which was agreed to.

The President appointed Mr. Maxwell to act on the part of the Senate in that regard.

Mr. Maxwell subsequently reported that he had communicated the said action of the Senate to the House; that that body had concurred in the appointment of such committee, which had waited on the Governor, who desired them to say to the Legislature that he had no further communication to make, and that he thought the Legislature had discharged its duty faithfully and well.

Mr. Maxwell was then directed to inform the House that the Senate, having completed its business, was ready to adjourn, which duty he performed.

A message from the House, by Mr. Smith, of Hancock, announced that the House was likewise ready to adjourn.

On motion of Mr. Peck, the Senate adjourned *sine die*

W. E. STEVENSON,

*President of the Senate.*

ELLERY R. HALL,

*Clerk of the Senate.*





# INDEX.

---

	<i>Pages.</i>
Acts and Resolutions, titles of---	131, 132, 133, 162, 163, 164, 165, 166, 167
distribution of-----	66, 77, 80, 102, 160
Agricultural College-----	28, 52, 72, 76, 117, 118, 139, 147, 160
Amendment to the Constitution-----	65, 66, 69, 73, 77
Bill to submit-----	140, 147, 153, 154, 159
Appropriations, asked for--	23, 26, 27, 28, 30, 31, 34, 36, 38, 39, 40, 45, 59, 70, 73, 83, 99, 103
refused-----	25, 28, 30, 41, 44, 52, 61, 63, 79, 131
made-----	64, 70, 80, 120, 135, 136, 151, 152, 156, 157, 161
Appropriations by Congress, asked for-----	32, 35, 100, 101, 102
Assessors, petitions of-----	26, 50
bill to increase pay of-----	30, 34, 59, 60, 80, 82
Attorneys Oath Bill-----	24, 26
B. & O. R. R. Co., resolution concerning-----	37
Berkeley Springs, resolution concerning-----	116, 130, 141, 159
Berkeley and Jefferson Counties-----	24, 25, 40
Boyers, J. Edgar, resolution concerning-----	34
adverse report on claims of-----	42
adopted-----	41
motion to reconsider vote on claim of, lost-----	61
Burdett, John S., Senator from the 3d District, quali- fication of-----	3
on Committee-----	22, 23, 35
leave of absence to-----	56
bill introduced by-----	86
petition presented by-----	22, 27, 45, 48, 50
resolution by---	21, 23, 26, 33, 34, 43, 45, 56, 59, 61, 70, 103, 111, 142, 142, 162
reported by---	25, 27, 30, 35, 41, 42, 44, 47, 49, 52, 54, 59, 63, 66, 75, 76, 79, 83, 83, 86, 87, 98, 99, 116, 124, 131, 141, 148, 149
motion by--	25, 34, 38, 41, 46, 53, 54, 55, 61, 71, 72, 87, 100, 104, 105, 112, 121, 136, 142, 150, 152, 154, 158, 159, 161

Burley, James, Senator from the 2d District, qualification of-----	<i>Pages.</i> 3
on committee-----	22, 23, 144
bill introduced by-----	38, 103, 118
petition presented by-----	23
resolution by-----	34, 43, 45, 56, 67, 122
report by-----	30, 44, 60, 63, 69, 75, 79, 86, 103, 106, 107, 116, 121, 124, 134, 144, 150, 158
motion by-----	46, 47, 54, 55, 71, 81, 85, 98, 103, 107, 119, 125, 129, 135, 137, 140, 145, 147, 148, 158
Capital, resolution concerning the-----	39, 40, 41, 46
bill concerning the-----	65, 66, 68, 85, 97, 100, 120
Chambers, William F., Senator from the 9th District,	
present-----	3
on committee-----	22
bill introduced by-----	58
resolution by-----	28, 67, 155
motion by-----	134, 139, 161
Chapline, Joseph A., Senator from the 10th District,	
qualification of-----	3
seat of, contested-----	35, 40
contest withdrawn-----	35
on committee-----	22, 23
leave of absence to-----	46
bill introduced by-----	24, 26, 35, 38, 43, 60, 63 75, 81, 134
petition presented by-----	
personal explanation by-----	150
resolution concerning-----	150
resolution by-----	26, 31, 32, 36, 40, 45, 83, 116, 141, 142, 160
report by-----	67, 70, 79, 110, 115, 120, 124, 133,
motion by-----	28, 33, 34, 59, 64, 73, 76, 77, 78, 81, 83, 97, 107, 116, 120, 128, 129, 135, 136, 137, 138, 141, 142, 145, 146, 148, 152, 154, 155, 156, 157, 160, 162
Charnock, John H., appointed Janitor,-----	31
pay of,-----	31, 150
Clergy, invited to open the Senate with prayer,-----	23
with resolutions of thanks to,-----	162
Clerk of the Senate, Ellery R. Hall, elected,-----	4
pay of,-----	31, 159
resolution of thanks to,-----	162
office of,-----	23, 141
Contested elections,-----	4, 22, 25, 27, 35, 40
Conference Committees,-----	124, 144, 147
Cook, John, Senator from the 8th District-----	
absent,-----	3
seat of, contested,-----	22
contest sustained,-----	25

Corley, James M., Senator from the 6th District-----	<i>Pages.</i>
present,-----	3
on Committee,-----	22, 23, 35
bill introduced by,-----	58
resolution by,-----	23, 28, 30, 39, 59
motion by,-----	85, 97, 100, 107, 120, 134, 139, 155
Crane, Samuel, Petition of,-----	23
adverse report on claim of,-----	25
recommitted-----	25
adopted-----	27
Decision of the President sustained-----	112
Dillon, Ed. S. appointed page-----	4
pay of-----	31, 142
resolution of thanks to-----	162
Distribution of Acts and Resolutions-----	66, 77, 80, 102, 160
Dix, D. H. K., Senator from the 7th District	
qualification of-----	3
on Committee-----	22, 23, 144
bill introduced by-----	83, 103
petition presented by-----	38
resolution by,-----	99, 142
report by-----	38, 42, 50, 56, 63, 70, 110, 124, 160
motion by-----	68, 69, 76, 111
Doorkeeper of the Senate, R. G. Mahon elected-----	4
pay of-----	31, 150
qualification of-----	38
resolution of thanks to-----	162
Downey, O. D., contestant for Mr. Chapline's seat-----	35, 40
contest of, withdrawn-----	35
mileage allowed to-----	40
Duval, Isaac H., Senator from the 1st District-----	
qualification of-----	3
on Committee-----	22, 124
bill introduced by-----	48, 63, 75, 161
petition presented by-----	23, 33, 48
resolution by-----	162
report by-----	30, 49, 50, 67
motion by-----	53, 162
Enrolled Bills and Resolutions, 131, 132, 133, 162, 163, 164, 165, 166, 167	
Executive Officers-----	23, 150
Executive Expenditures-----	23, 149
Frew, John, elected public printer-----	34, 35
Governor, Committee to wait on-----	5
message of-----	5, 87, 152, 167
" referred-----	23, 26, 30
Guard for Ohio County Jail-----	47
Hagans, Alpheus D., elected Sergeant-at-arms-----	4
pay of-----	31, 150
resolution of thanks to-----	162

Hagar, Robert, contestant for Mr. Cook's seat -----	22
contest of sustained -----	25
qualification of -----	25
bill introduced by -----	60, 63
petition presented by -----	67, 119
resolution by -----	26, 28, 30, 36, 45, 67
motion by -----	67, 82, 150, 156
Hall, Ellery R., elected clerk of the Senate -----	4
pay of -----	31, 159
resolution of thanks to -----	162
Hawkins, Aaron, Senator from the 2d District,	
present -----	3
voted for, for President -----	3, 4
on committee -----	5, 22, 23
bill introduced by -----	63
resolution by -----	4, 22, 134, 150
report by -----	141
motion by -----	97, 104, 128, 136, 146
Haymond, Daniel, Senator from the 4th District,	
qualification of -----	3
seat of, contested -----	22
contest unsuccessful -----	27
on committee -----	22
bill introduced by -----	60
petition presented by -----	72, 99
resolution by -----	39
motion by -----	41, 47, 50, 71, 104, 153
House Bill No. 3 -----	39, 40, 42, 45
4 -----	39, 40
6 -----	39, 40, 44, 48
7 -----	43, 44, 47, 50, 54
8 -----	65, 66, 130, 136
9 -----	51, 130, 136, 142
11 -----	39, 40, 79, 80, 84
13 -----	42, 103, 105
14 -----	42, 44, 49
15 -----	46, 47, 54, 66, 121, 135, 148
16 -----	42, 47, 55
17 -----	42, 48
18 -----	46, 47, 51, 55, 57
19 -----	113, 140, 145, 150
20 -----	46, 47, 54, 56
21 -----	46, 47, 49, 52
22 -----	46, 47, 54, 56, 57
23 -----	46, 47, 49, 52, 56
25 -----	46, 47, 58, 60, 65
27 -----	46, 47, 52, 55
28 -----	49, 50, 52, 53
29 -----	65, 66, 86, 99
30 -----	65, 66, 76, 104, 105, 112
31 -----	46, 47, 49, 53
32 -----	82, 98, 111, 124, 128, 135

# INDEX.

173

*Pages.*

House Bill No. 33	78, 86, 99
36	117, 118, 124, 129, 139
37	57, 58, 63, 67
38	123, 124, 141, 145, 151
39	57, 58, 59, 64
42	65, 66, 68, 85, 97, 100, 120
44	62, 86, 100
48	74, 79, 84
49	62, 67, 70
50	62, 66, 70
51	62, 68, 72, 73
52	62, 130, 136, 142
53	62, 130, 136, 143, 159
54	74, 141, 146, 149
55	62, 64, 75, 80
56	78, 98, 109, 114, 123
57	65, 66, 69, 81, 82, 85, 86, 87, 104
58	104, 105, 115, 117, 121, 125, 139
59	65, 66, 83, 87, 107, 112, 113, 123, 160
60	65, 66, 124, 128
61	72, 83, 86
65	104, 105, 110, 114, 123
67	74, 78, 79, 84
68	74, 79
69	74, 78, 79, 84
70	117, 118, 160
71	74, 79, 84
72	74, 82, 83, 87
73	113, 124, 128
74	78, 118, 127, 129, 139
75	98, 110, 114
77	85, 86, 110, 114, 123
79	85, 86, 107, 139, 143
80	102, 110, 114, 123
82	123, 124, 133, 136, 143, 159
84	156
85	157, 158
87	98, 116, 119, 120, 130
88	98, 116, 120
90	108, 109, 115, 120
92	113, 124, 128
93	108, 109, 118, 127
94	108, 109, 141, 146
95	108, 109, 118, 127
96	108, 109, 140, 147
100	123, 124, 141, 145, 151
102	108, 109, 115, 117
105	156
106	108, 109, 118, 127, 139
107	108, 109, 124, 128, 135
108	108, 109, 118, 127
109	130, 148, 152



House Bill No. 110	108, 109, 118, 127
111	108, 109, 124, 135
114	102, 106, 107
116	113, 124, 128, 135, 144, 160
117	113, 140, 145, 151
118	113, 140, 145, 151
119	123, 124, 133, 136, 143, 159
121	113, 124, 128, 136
122	113, 124, 128, 139, 143
123	123, 124, 133, 137, 143
124	113, 124, 128, 136
125	123, 124, 134
126	123, 124, 133, 137, 149
129	123, 124, 154
130	123, 124, 131, 137, 149
131	155, 161
134	123, 124, 141, 145, 151
135	123, 124, 140, 145, 156
136	156
138	158, 159
139	160
140	158, 161
141	160
144	155
146	140, 147, 148, 149
147	155
156	152, 159
157	160
158	139, 141, 146, 149
159	140, 147, 153, 159
160	157
161	155
House of Delegates, organization of	5
adjournment of	167
message from	5, 24, 25, 29, 31, 33, 34, 35, 37, 39, 42, 43, 46, 49, 51, 54, 57, 62, 65, 72, 74, 77, 81, 82, 85, 98, 100, 102, 104, 107, 108, 112, 116, 117, 122, 130, 139, 144, 147, 148, 151, 155, 156, 157, 158, 159, 167
House of Refuge	28, 105
Janitor of the Senate, John H. Charnock elected	31
pay of	31, 150
Jefferson and Berkeley counties	24, 25, 40
Karns, Samuel D., medal for	56, 61, 154
Kitchen, Bathuel W., Senator from the 10th District.	
present	3
on committee	22
leave of absence to	46
bill introduced by	28, 79, 83, 116
petition presented by	59, 64
resolution by	40
motion by	104, 154

# INDEX.

175

*Pages.*

Library, law-----	62, 64, 66, 103, 105, 109, 119, 126, 160
Library, State-----	23, 149
Lunatics-----	29, 33, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 102
Mahon, Edward S., Senator from the 5th District,	
qualification of-----	3
on committee-----	22, 124, 147
petition presented by-----	54, 59, 70
resolution by-----	4, 30, 40, 73
motion by-----	53, 58, 71, 76, 87, 104, 126, 153, 155, 156
Mahon, Richard G., elected doorkeeper-----	4
qualification of-----	38
pay of-----	31, 150
resolution of thanks to-----	162
Majority of the Senate, what constitutes-----	111, 112
Mathews, Henry M., Senator from the 9th District,	
absent-----	3
the oath taken by-----	4
address to the Senate by-----	4
oath taken by, not sufficient-----	4
resolution concerning-----	31
Mileage refused to-----	33
seat of, declared vacant-----	83
resolution to fill vacant seat of--	83, 161
Maxwell, Edwin, Senator from the 4th District,	
present-----	3
on committee-----	5, 22, 23, 167
bill introduced by-----	121
petition presented by-----	38
protest by-----	76
resolution by-----	4, 5, 23, 130
report by-----	25, 27, 32, 36, 41, 44, 47, 49, 51, 54, 58, 66, 68, 69, 75, 78, 79, 82, 86, 103, 109, 110, 114, 115, 118, 130, 140, 141
motion by-----	22, 32, 34, 36, 50, 56, 58, 66, 71, 81, 82, 85, 87, 97, 104, 105, 107, 116, 119, 121, 122, 134, 136, 139, 143, 144, 145, 146, 147, 148, 153, 154, 157, 161, 162, 167
Medal for Samuel D. Karns-----	56, 61, 154
Medals for soldiers-----	43, 44, 50, 53
Members, mileage of-----	29, 30, 142
Message, Governor's-----	5, 87, 152, 167
House of Delegates'-----	5, 24, 25, 29, 31, 33, 34, 35, 37, 39, 42, 43, 46, 49, 51, 54, 57, 62, 65, 72, 74, 77, 81, 82, 85, 98, 100, 102, 104, 107, 108, 112, 116, 117, 122, 139, 144, 147, 148, 151, 155, 156, 157, 158, 159, 167

	<i>Pages.</i>
Mileage of Members-----	29, 30, 142
Moore, Edwin W. S., appointed assistant clerk-----	22
pay of-----	22, 142
qualification of-----	38
resolution of thanks to-----	162
O'Brien, Emmet J., Senator from the 6th District,	
qualification of-----	5
on committee-----	22, 23
bill introduced by-----	57
petition presented-----	125
a vote of, changed-----	149
resolution by-----	28, 38
motion by-----	61, 98, 111, 139, 160
Pages appointed-----	4
Peck, Daniel, Senator from the 1st District.	
present-----	3
on committee-----	22
bill introduced by-----	26, 32, 33, 48, 54, 72, 118, 121, 160
petition presented by-----	26, 43, 48
resolution by-----	4, 23, 28, 40, 59, 61, 62, 64, 73, 103, 133, 159
report by-----	32
motion by-----	41, 47, 53, 55, 58, 59, 64, 73, 76, 77, 82, 104, 107, 112, 117, 120, 123, 137, 138, 149, 158, 161, 167
Penitentiary-----	65, 66, 69, 81, 82, 85, 86, 87, 104
President of the Senate, vote for-----	3, 4
W. E. Stevenson elected-----	4
decision of, sustained-----	112
President Johnson, resolution to endorse-----	103, 101, 112, 157, 159, 161
Price, William, Senator from the 3d District.	
present-----	3
on committee-----	22, 147
bill introduced by-----	52
petitions presented by-----	28
report by-----	47, 48, 52, 55, 58, 69, 72, 75, 83, 98, 110, 118, 124, 131, 149, 154, 160, 162
motion by-----	72, 98, 111, 117, 121
Printing documents-----	21, 25, 37, 38, 41, 78, 102, 141, 142, 145, 159, 160
Public Printer, resolution to elect-----	29
John Frew elected-----	34, 35
Pumphrey, Chas. H., appointed page-----	4
pay of-----	31, 142
resolution of thanks to-----	162
Rebels, resolution concerning-----	26, 27, 28
Registry of voters-----	104, 105, 115, 117, 121, 125, 139, 155
Reporter of the Supreme Court-----	37, 51, 53, 61, 71

# INDEX.

	177
	<i>Pages.</i>
Senate, assembling of-----	3
members of, present-----	3
organization of-----	4
hour of meeting of-----	22
rules of-----	22
standing committees of-----	22, 23
adjournment of-----	167
Senators and Representatives in Congress.	
resolution to instruct-----	25, 32, 33, 35, 36, 67, 71, 74, 100, 101, 102
Sergeant-at-arms, A. D. Hagans elected-----	4
pay of-----	31, 150
resolution of thanks to-----	162
Senate Bill No. 1-----	24, 66, 71, 81
2-----	24, 68, 73, 81, 102
3-----	26, 36, 39, 47
4-----	26, 115, 119, 126
5-----	26
6-----	27, 31, 33, 40
7-----	28, 44, 48, 57
8-----	30, 34, 59, 60, 82
9-----	32, 34, 41, 51, 52, 54, 56, 130, 138
10-----	32, 41, 59, 61, 85
11-----	33, 60, 64, 74
12-----	35, 115, 119, 126, 159
13-----	38, 41, 42
14-----	38
15-----	38, 63, 69, 73, 108, 109, 116
16-----	38, 50
17-----	43, 115, 119
18-----	43, 51
19-----	44, 50, 52, 74
20-----	44, 103, 139, 144, 148
21-----	45, 55, 57, 117, 118
22-----	47, 53
23-----	48, 56
24-----	48
25-----	48, 115, 119
26-----	51, 58, 61, 74
27-----	52, 56, 57, 74, 75
28-----	52, 72, 76, 117, 118, 69, 147, 160
29-----	54, 16, 71, 107
30-----	57, 69, 73
31-----	58, 61, 74
32-----	58, 61, 64, 77
33-----	58
34-----	58, 75
35-----	60
36-----	60, 70, 73, 140, 145
37-----	60, 66, 71, 77
38-----	60
39-----	63, 73, 81, 84, 130

Senate Bill No. 40	63, 75, 76, 80, 139, 140, 149
41	63, 115, 119
42	63, 75, 80, 117
43	66, 77, 80, 102
44	67, 77, 80, 102
45	67, 115, 119
46	69, 77, 80
47	70, 111, 160
48	72, 77, 81, 85
49	72, 75, 77, 122, 123
50	72, 110, 113, 139
51	75, 87, 111, 111
52	75, 87, 99, 100, 108
53	75, 87, 99, 112
54 *	75, 105, 111, 130
55	75, 114, 119, 126
56	79, 87, 99, 117
57	79, 84, 86, 107, 108
58	79
59	81, 115, 119
60	83, 86, 108
61	83, 98
62	86
63	103, 110, 113
64	109, 117
65	109, 119, 126
66	109, 119, 126
67	111, 150, 159
68	115
69	115, 140, 145
70	116, 140, 145
71	118, 130, 138
72	118, 120, 129
73	121, 126
74	121, 124, 159
75	130, 138
76	134, 148, 154
77	141, 145, 146, 159
78	150
79	158
80	160
81	161
Slack, Greenbury, Senator from the 7th District,	
present	3
on committee	22, 23
bill introduced by	38, 48
petition presented by	22, 33, 134
resolution by	26, 30, 36, 162
report by	25, 27, 29, 33, 35, 40, 105
motion by	125



# INDEX.

179

*Pages.*

Stevenson, William E., Senator from the 5th District,	
present-----	3
elected President-----	3, 4
decision of, sustained-----	112
motion by-----	70, 76, 100, 137, 153, 161, 162
Title of Acts and Resolutions----	131, 132, 133, 162, 163, 164, 165, 166, 167
Vacancy in the Senate-----	83, 155, 161
Washington, birth day of-----	103, 116
statue of-----	30, 32, 34, 37
Werninger, A., contestant for Mr. Haymond's seat.--	22
contest of, unsuccessful-----	27
Wright Edward D., Senator from the 8th District,	
absent-----	3
present-----	23
on committee-----	22, 23
bill introduced by-----	44, 45, 60, 67, 111
resolution by-----	150
report by-----	149, 150
motion by-----	70, 116



# LIST OF THE MEMBERS

OF THE

## FOURTH LEGISLATURE

OF THE

# STATE OF WEST VIRGINIA,

ASSEMBLED IN THE CITY OF WHEELING, JAN. 16, 1866,

Together with their Age, Occupation, Nativity, County or District represented, and Postoffice Address.

### SENATE.

No.	Name.	Age	Occupation.	Nativity.	District.	Postoffice.
1	W. E. Stevenson, <i>President,</i>	47	Farmer,	Penn'a,	5th	Parkersburg.
2	James Burley.....	64	"	"	2d	Moundsville.
3	John S. Burdett.....	47	Merchant,	Virginia,	3d	Pruntytown.
4	Wm. F. Chambers...	66	Farmer,	"	9th	Peterstown.
5	Joseph A. Chapline..	31	Lawyer,	"	10th	Shepherdstown.
6	James M. Corley.....	56	Farmer,	"	6th	Weston.
7	D. H. K. Dix.....	38	Minister,	"	7th	Winfield, Putnam Co.
8	I. H. Duval.....	41	Merchant,	"	1st	Wellsburg.
9	Robert Hagar.....	56	Minister,	"	8th	Newport, Boone Co.
10	Aaron Hawkins.....	66	Farmer,	Penn'a,	2d	Basnettsville.
11	Daniel Haymond.....	78	"	Virginia,	4th	Federal Hill, Ritchie
12	B. M. Kitchen. ....	53	"	"	10th	Shanghai.
13	E. S. Mahon .....	50	"	Maryland,	5th	Ravenswood.
14	Edwin Maxwell. ....	38	Lawyer,	Virginia,	4th	Clarksburg.
15	Emmet J. O'Brien....	46	Mechanic,	"	6th	Burnersville, Barb'r.
16	Daniel Peck.....	67	Lawyer,	Vermont,	1st	Wheeling.
17	William Price.....	61	Farmer,	Penn'a,	3d	Andy, Monongalia Co
18	Greenbury Slack.....	58	"	Virginia,	7th	Kanawha C. H.
19	E. D. Wright.....	55	"	"	8th	Guyandotte.
	CLERK,					
	Ellery R. Hall.	31	Lawyer,	"	.....	Fairmont.
	ASSISTANT CLERK,					
	E. W. S. Moore.	20	Clerk,	"		Fairmont.
	SERGEANT-AT-ARMS,					
	Alpheus D. Hagans.	44	Moulder,	"	.....	Brandonville.
	DOORKEEPER,					
	Richard G. Mahon.	32	Farmer,	"		Cottageville, Jackson
	PAGES,					
	Ed. S. Dillon,	17	Student,	"		Wheeling.
	Chas. H. Pumphrey.	14	"	"		"

# HOUSE OF DELEGATES.

No.	Name.	Age.	Occupation.	Nativity.	County.	Postoffice.
1	D. S. Pinnell, <i>Speaker.</i>	53	Physician	Virginia	Upshur,	Buckhannon.
2	John C. Ballard.....	47	Millwright,	"	Monroe,	Centreville.
3	Ephraim Bee.....	63	Farmer,	"	Doddridge,	Oxford.
4	Jacob C. Beeson.....	52	Merchant	"	Marion,	Fairmont.
5	Joseph Bell.....	46	Manufacturer,	"	Ohio,	Wheeling.
6	John Bennett.....	49	Minister,	"	2d Del. Dis.	Steer Creek.
7	Jacob H. Bristol....	31	Teacher,	Penn'a,	Taylor,	Grafton.
8	Alfred W. Brown...	42	Farmer,	Virginia	Monongalia	Andy.
9	Richard P. Camden	55	Banker,	"	Lewis,	Weston.
10	John S. P. Carroll..	36	Farmer,	"	Wayne,	Buffalo Shoals.
11	James S. Cassady...	45	"	"	Fayette,	Fayette C. H.
12	Henry S. Combs.....	47	Ironmaster,	"	Monongalia	Stewart's Town.
13	Mitchell Cook.....	48	Farmer,	"	6th Del. Dis.	Wyoming C. H.
14	Samuel Cooper.....	45	Merchant	"	Hampshire,	Cacapon Bridge.
15	David Cunningham.	62	Farmer,	"	Marion,	Mannington.
16	William B. Curtis...	44	Merchant	Marylnd	Ohio,	West Liberty.
17	Peter Darnel.....	50	Millwright,	Virginia	Mason,	West Columbia.
18	Henry G. Davis.....	41	Merchant	Marylnd	Hampshire,	Piedmont.
19	Abijah Dolly.....	49	Farmer,	Virginia	Hardy,	Greenland.
20	Lewis Dyche.....	43	laborer,	"	Morgan,	Sir John's Run.
21	Solomon S. Fleming	53	Merchant	"	Harrison,	Shinnston.
22	James F. Given.....	47	Blacksmith.	"	Braxton,	Mouth of Birch.
23	Nathan Goff.....	68	Banker,	N. York	Harrison,	Clarksburg.
24	Harrison Hagans....	69	Merchant	Vermont	Preston,	Brandonville.
25	James H. Higgins...	38	Wheelwright,	Penn'a,	Jackson,	Cottageville.
26	Ulysses Hinchman..	58	Physician	Virginia	Logan,	Rich Creek.
27	Abram Hinkle.....	30	Merchant	"	Pendleton,	Mt. Freedom.
28	George Hooker.....	50	Farmer,	Ohio,	Brooke,	Cherry Hill.
29	Jacob Hornbrook...	53	Merchant	England	Ohio,	Wheeling.
30	Daniel D. Johnson..	29	Farmer,	Virginia	Tyler,	Long Reach.
31	John Kellar.....	58	"	"	Barbour,	Pleasant Creek.
32	George Koonce.....	47	Merchant	Ohio,	Jefferson,	Harper's Ferry.
33	Edmund Kyle.....	36	Farmer,	Penn'a,	Wetzel,	Pine Grove.
34	Thomas Little.....	47	"	Virginia	Mercer,	Frenchville.
35	M. L. Lockhart.....	30	Clerk,	"	Wirt,	Wirt C. H.
36	William Mairs.....	37	Physician	Ohio,	Kanawha	Pocotaligo.
37	Rufus Maxwell.....	37	Farmer,	Virginia	5th Del. Dis.	St. George.
38	Joseph E. McCoy...	27	Merchant	"	Roane,	Spencer.
39	Chas. H. McCurdy..	44	Farmer,	"	Jefferson,	Kabletown.
40	A. R. McQuilkin....	48	Merchant	"	Berkeley,	Shepherdstown.
41	H. C. McWhorter...	29	Lawyer,	Ohio,	Kanawha	Charleston.
42	Anthony Rader.....	55	Physician	Virginia	3d Del. Dis.	Summersville.
43	Elk Riddle.....	61	Farmer,	"	Ritchie,	Pennsboro.
44	Buckner J. Smith...	44	Brickmaker	Ohio,	Hancock,	New Cumberland.
45	William Smith.....	46	Farmer,	Penn'a,	Berkeley,	Martinsburg.
46	Samuel S. Spencer..	44	"	Virginia	1st Del. Dis.	Parkersburg.
47	Samuel B. Stidger..	35	Physician	Ohio,	Marshall,	Moundsville.
48	Thos. H. Trainer...	48	Minister,	Virginia	"	"
49	Jas. W. Williamson.	53	Farmer,	"	1st Del. Dis.	Ben's Run.
50	John S. Witcher....	26	Merchant	"	Cabell,	Cabell C. H.

# HOUSE OF DELEGATES—CONTINUED.

No.	Names.	Age	Occupation.	Nativity.	County.	Postoffice.
51	William Workman..	44	Farmer,	Virginia	Boone,	Baldknob,
52	William B. Zinn....	68	"	"	Preston,	Reedsville,
	CLERK,					
	Wm. P. Hubbard...	22	Lawyer,	"		Wheeling,
	ASSISTANT CLERK,					
	Andrew Johnson....	23	Clerk,	"		Wheeling,
	COMMITTEE CLERKS,					
	George Cozad... ..	24	Lawyer,	Ohio,		Buckhannon,
	J. L. S. Hall. ....	23	Farmer,	Virginia		Fairmont,
	Van B. Hall.....	31	Clerk,	"		Wheeling,
	SERG'T AT ARMS,					
	S. G. W. Morrison..	45	Foundryman	Maryland		"
	DOORKEEPER,					
	Joseph S. Wheat....	63	Tanner,	Virginia		Berkeley Springs.
	PAGES,					
	John W. Morrison...	15	Student,	"		Wheeling.
	John A. Fleming....	15	"	"		Shinnston.
	George W. Myers...	13	"	"		Wheeling.

## STANDING COMMITTEES.

### SENATE.

*Privileges and Elections.*—Slack, Burdett, Chambers, Mahon, Peck.

*Internal Improvements and Navigation.*—Burley, Price, Slack, Hawkins, Kitchen.

*Judiciary.*—Maxwell, Peck, Chapline, Burley, Slack.

*Education.*—Dix, Chapline, Maxwell.

*Finance and Claims.*—Burdett, Peck, Hawkins, Chapline, Kitchen.

*Humane and Criminal Institutions.*—Slack, Dix, Chambers, Maxwell, Duval.

*Banks and Corporations.*—Chapline, Haymond, Burley, O'Brien, Wright.

*Township and County Organization and Municipal Corporations.*—Price, Mahon, Peck, Corley, O'Brien.

*Enrolled Bills.*—Price, Duval, Kitchen.

*Library.*—Wright, O'Brien, Dix.

*Executive Expenditures.*—Burdett, Burley, Slack.

*Military Affairs.*—Duval, Corley, Burdett.

*To examine Auditor's office, Treasurer's Accounts, and Bonds of Public officers.*—Wright, Chapline, Maxwell.

*To examine Clerk's Office.*—Hawkins, Corley, O'Brien.



## STANDING COMMITTEES—CONTINUED.

### HOUSE OF DELEGATES.

*Elections and Privileges.*—Fleming, Hornbrook, Rader, Kyle, McQuilkin.

*Taxation and Finance.*—Goff, Davis, Camden, Bell, Beeson.

*Military Affairs.*—Curtis, Witcher, Johnson, Darnel, McWhorter.

*Judiciary.*—McWhorter, Hagans, Maxwell, Goff, Lockhart.

*Education.*—Trainer, Bristor, Curtis, Carroll, Riddle.

*Counties, Townships and Municipal Corporations.*—Cassady, Smith of Berkeley, Combs, Hooker, Given.

*Private Corporations and Joint Stock Companies.*—Bell, McCurdy, Spencer, Darnel.

*Roads and Internal Navigation.*—Hagans, Spencer, Bristor, Mairs, Workman.

*Forfeited and Unappropriated Lands.*—Bee, Cook, Dyche, Cunningham, Kellar.

*Claims and Grievances.*—Zinn, Williamson, Hinchman, Bennett.

*Executive Offices.*—Brown, Hinkle, Bristor, Beeson.

*Humane and Criminal Institutions.*—Camden, Stidger, Mairs, Cooper, Hornbrook.

*Printing and Contingent Expenses.*—Smith of Hancock, Dolly, Fleming, Koonce.

*Arts, Sciences and General Improvements.*—Koonce, Combs, Hagans, Higgins.

*Enrolled Bills.*—Lockhart, Johnson, Witcher.

### SPECIAL COMMITTEES.

*Temperance.*—Cunningham, Stidger, Combs, Mairs, Hornbrook.

*Baltimore and Ohio Rail Road.*—Zinn, Bell, McWhorter, Camden, Spencer.

## EXECUTIVE DEPARTMENT.

*Governor.*—ARTHUR I. BOREMAN, of Wood county.

*Auditor.*—JOSEPH M. MCWHORTER, of Roane county.

*Treasurer.*—CAMPBELL TARR, of Brooke county.

*Secretary of the State.*—GRANVILLE D. HALL, of Harrison county.

*Attorney General.*—EPHRAIM B. HALL, of Marion county.

*Adjutant General.*—FRANCIS P. PEIRPOINT, of Ritchie county.

*Quartermaster-General.*—GEORGE W. BROWN, of Preston county.

*State Superintendent of Free Schools.*—WILLIAM R. WHITE, of Marion co.

*Commissioner of Immigration.*—J. H. DISS DEBAR, of Doddridge county.

### SUPREME COURT OF APPEALS.

*President.*—RALPH L. BERKSHIRE, of Monongalia.

*Associate Judge.*—JAMES H. BROWN, of Kanawha.

“ “ WILLIAM A. HARRISON, of Harrison.

*Clerk.*—SYLVANUS W. HALL, of Marion.

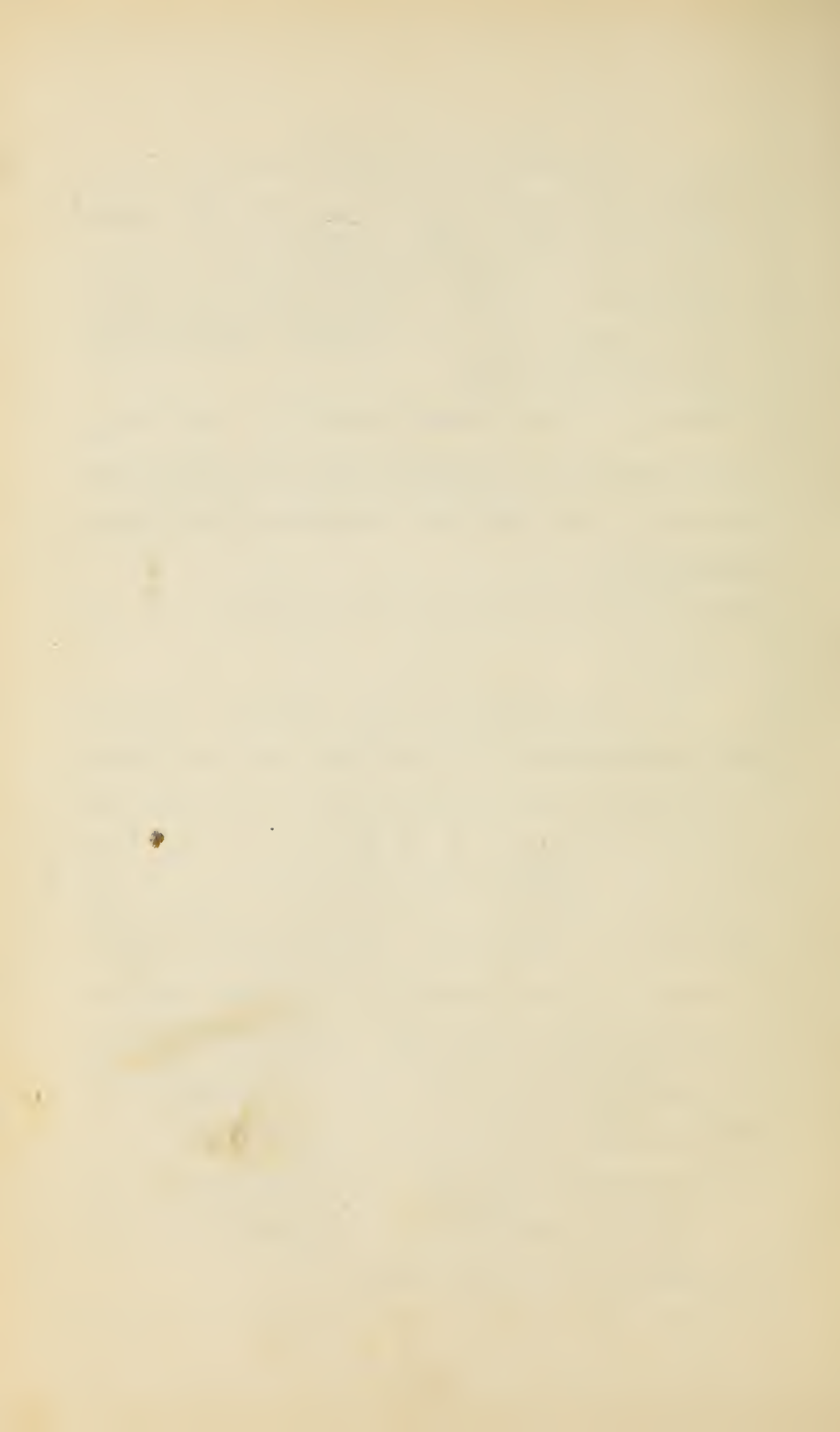
## Senate Bill No. 1.

A BILL to explain and amend an act passed November 16th, 1863, entitled "An Act to amend and re-enact the first section of an act entitled 'An Act concerning oaths and affirmations, passed June twenty-sixth, eighteen hundred and sixty-three.

WHEREAS, doubts have arisen as to the proper construction and intention of the said Act passed November 16th, 1863, in its application to Attorneys at Law.

*Be it therefore enacted by the Legislature of West Virginia :*

1. All attorneys at law, whether residents  
2 or non-residents of this State, shall be deemed  
3 and held to be officers of trust within the true  
4 intent and provision of the said act, and shall  
5 not be permitted to practice in any of the  
6 courts, or before any judge, justice, recorder,  
7 board or other tribunal of this State, without  
8 having first taken and subscribed the oath  
9 prescribed by the said Act, in addition to the  
10 other oaths now required by law of such attor-  
11 neys, and the said act, with this amendment,  
12 is hereby declared to be re-enacted, so as oth-  
13 erwise to read as heretofore.



## Senate Bill No. 2.

A BILL to prevent and punish the forcible or unlawful obstruction of public justice.

*Be it enacted by the Legislature of West Virginia :*

1. The Circuit Courts, and especially the Supreme Court of Appeals of West Virginia, are alone authorized to interpret and determine the constitutionality of any law of the Legislature of this State.

2. No officer in the lawful exercise or discharge of his official duty under any law of the Legislature, or any order or proclamation of the Governor of this State, shall be deemed personally responsible therefor (either civilly or criminally) by reason of such law, order, or proclamation, being afterwards adjudged by any Court of this State, to be unconstitutional and void.

3. Any officer of this State, whose duty it is to execute or enforce any law of the Legislature, or any legal process or proceeding arising thereunder, or any lawful order or proclamation of the Governor of West Virginia, and who shall wilfully neglect, or refuse to execute or enforce the same, shall, for every such offense, be deemed guilty of a misdemeanor, and upon conviction thereof by a jury, shall be liable to a fine of not less than fifty nor more than five hundred dollars, and to imprisonment in the

12 public jail of the county for not less than one  
13 month nor more than one year, at the discre-  
14 tion of the Court.

4. Any person who, by threats or menaces,  
2 words, acts, letters, writings, public speeches,  
3 printing, publishing, or otherwise, shall forc-  
4 bly or illegally, hinder, obstruct or oppose, or  
5 attempt to hinder, obstruct or oppose, any  
6 officer of this State (whether civil or military)  
7 in the lawful exercise or discharge of his offi-  
8 cial duty, shall, for every such offense, be deem-  
9 ed guilty of a misdemeanor; and on conviction  
10 thereof by a jury, shall be liable to a fine of  
11 not less than one hundred, nor more than one  
12 thousand dollars, and to imprisonment in the  
13 public jail of the county for not less than one  
14 month, nor more than one year, at the discre-  
15 tion of the Court. *Provided*, That nothing in  
16 this act shall be construed as impairing or  
17 affecting the right of any party, by proper  
18 legal process or proceeding, before any court  
19 or courts of this State, or any judge thereof, to  
20 question or contest the validity or constitu-  
21 tionality of any law of the Legislature, or any  
22 process, judgment, or proceeding of any court,  
23 judge, or other officer of this State, or any  
24 order or proclamation of the Governor.



## Senate Bill No. 3.

A BILL amending section 44 of chapter 100 of the Acts of 1863.

*Be it enacted by the Legislature of West Virginia :*

That section forty-four of chapter one hundred of the Acts of 1863, is hereby amended and re-enacted, so as to read as follows :

44. When any vacancy exists in the office of  
2 Judge of the Supreme Court of Appeals, or of  
3 any circuit, or Secretary of the State, Auditor,  
4 Treasurer, or Attorney General, the Governor  
5 shall fill such vacancy by temporary appoint-  
6 ment, which appointment shall continue until  
7 the same be filled by an election to fill the same  
8 at the next general election, after such vacancy  
9 accrues, and until such person so elected shall  
10 be duly qualified therein. The bond, if any be  
11 required by law, to be given by the officer so  
12 temporarily appointed, shall be in such pen-  
13 alty as the Governor may direct, or may be

14 dispensed with, if he so order. And if there  
15 be any vacancy in the representation from this  
16 State, in the Congress of the United States, the  
17 Governor shall, within ten days after the fact  
18 comes to his knowledge, give notice thereof by  
19 proclamation, to be published in such newspa-  
20 pers in the district where such vacancy may  
21 occur, as he may deem best calculated to give  
22 information thereof to the voters of such dis-  
23 trict, and in such proclamation he shall ap-  
24 point some day, not over sixty, nor less than  
25 thirty days from the date thereof, for holding  
26 the election to fill such vacancy, which election  
27 shall be held accordingly; and the Governor  
28 shall issue writs of election, directed to the  
29 Sheriffs of the counties included in the said  
30 Congressional district, and the Sheriffs, on the  
31 receipt of the same, shall give notice to the  
32 Supervisors and Inspectors of Elections of the  
33 several townships of his county.

## Senate Bill No. 4.

A BILL to amend an Act passed March 1st, 1865, entitled "An Act in relation to the Statutes of Limitation."

*Be it enacted by the Legislature of West Virginia :*

1. The act passed March 1st, 1865, entitled  
2 "An Act in relation to the Statutes of Limita-  
3 tion," shall be amended and re-enacted so as  
4 to read as follows :

" In computing the time within which any  
2 civil suit, proceeding or appeal, or any criminal  
3 prosecution or proceeding, shall be barred by  
4 any statute of limitations, the period from the  
5 seventeenth day of April, eighteen hundred and  
6 sixty-one, to the first day of March, eighteen  
7 hundred and sixty-five, shall be excluded from  
8 such computation."



## Senate Bill No. 5.

A BILL to authorize the Board of Supervisors to appoint a Surveyor of Roads for each road precinct in any County.

*Be it enacted by the Legislature of West Virginia :*

1. The seventh section of the act passed 2 November thirteen, eighteen hundred and 3 sixty-three, (entitled "An Act to regulate elections by the people) directing a surveyor of 4 roads to be elected for each road precinct in 5 any township, is hereby changed so as to authorize and require the board of supervisors 6 of every county to appoint a surveyor of roads 7 for each township precinct in the same, (in lieu 8 of any popular election therefor,) whose duties, 9 liabilities and term of office shall otherwise 10 remain as heretofore.





## Senate Bill No. 6.

A BILL to amend and re-enact section 3d and 4th of chapter 102 of the Code of Virginia, second edition.

*Be it enacted by the Legislature of West Virginia :*

1. Section third and fourth of chapter one hundred and two of the Code of Virginia, second edition, be amended and re-enacted so as to read as follows :

“3. Every person shall so restrain his distempered cattle or sheep, or such as are under his care, that they may not go at large off the land to which they belong, and no person shall drive any distempered cattle or sheep into or through the State, or from one part thereof to another, or over or across any public road in the State ; and when any such cattle or sheep shall die, the owner thereof or person having them in charge shall cause them to be buried, with their hides on, four feet deep. If any per-

12 son shall offend against this section *in* any  
13 respect, he shall forfeit four dollars for every  
14 head of each cattle or sheep.

“ 4. Any justice, upon proof before him, that  
2 any cattle or sheep are going at large, or are  
3 driven in or through his county or township  
4 in violation of the preceding section, may direct  
5 the owner to impound them ; and if he fail to  
6 do so, or suffer them to escape from the pound  
7 before obtaining from a justice a certificate that  
8 they may be removed with safety ; the justice  
9 giving such direction, or some other justice  
10 shall order them to be killed and buried four  
11 feet deep with their hides on, but so cut that  
12 none may be tempted to take them up.”

## Senate Bill No. 7.

A BILL to authorize the sale of a lot in or near the town of Martinsburg.

WHEREAS, Adam Stephens, the original proprietor of the land upon which the town of Martinsburg, in the county of Berkely, was established, granted to the inhabitants of said town a lot situated on or near said town for school purposes; and whereas, by reason of its proximity to the Baltimore and Ohio Railroad it has become unsuitable as a site for a public school and for many years has been abandoned as such;

*Be it enacted by the Legislature of West Virginia:*

That the Mayor and Common Council of said town be and they are hereby authorized to make sales of said lot, at public or private sale as they may deem best for the interests of the inhabitants of said town, with full power to execute and deliver a deed for the same. Provided however, that before the purchase money or any part thereof shall be paid to the treasurer of said corporation, he shall execute a bond to the said Mayor and Common Council with satisfactory security, conditioned for the safe keeping and proper disbursement of said money.





## Senate Bill No. 8.

A BILL amending section 94 chapter 118, of the Acts of 1863.

*Be it enacted by the Legislature of West Virginia :*

1     1. That section ninety four of an act entitled  
2     “An Act to provide for the assessment of Taxes”  
3     passed December 3, 1863, be amended and re-  
4     enacted so as to read as follows:

1     94. Every assessor shall be entitled to re-  
2     ceive in consideration of his services, to be paid  
3     out of the county treasury as other claims  
4     against the county are paid, a commission of  
5     three per centum on the amount of taxes law-  
6     fully assessed by him on persons and property  
7     within the preceding twelve months. But  
8     where taxes on persons and property asses-  
9     sed in any district in a county exceed twenty  
10    thousand dollars, the commission allowed on  
11    the excess shall be two per centum ; and where  
12    the said taxes assessed in any district in a city  
13    or town exceed sixteen thousand dollars, the  
14    commission allowed on the excess shall be one  
15    and-a-half per centum.



## Senate Bill No. 9.

A BILL to legalize the execution, acknowledgment and recording of certain deeds in Monroe County.

*Be it enacted by the Legislature of West Virginia :*

1     1. That the execution of the deed from  
2 Robert Dunlap and Mary J. C. Dunlap his  
3 wife, to Mary M. Harrison, wife of Nathaniel  
4 Harrison of Monroe county, State of West Vir-  
5 ginia, bearing date the 14th day of October  
6 1864, and admitted to record in the late county  
7 court of Monroe county on the 6th day of May  
8 1865, and the acknowledgment, and the record-  
9 ing of the same be, and the same is legalized,  
10 and declared to be valid ; and also the deed  
11 from George W. Hutchinson, special Commis-  
12 sioner of the former circuit court of said county  
13 of Monroe, to the said Mary M. Harrison, bear-  
14 ing date the 2nd day of November 1864, and  
15 admitted to record in the said county of Monroe,  
16 on the 22d day of November 1864, is hereby  
17 legalized and declared to be valid, and effectual  
18 in law.



## Senate Bill No. 10.

A BILL securing Liens to Mechanics, Laborers and others.

*Be it enacted by the Legislature of West Virginia :*

1    1. That every mechanic, builder, artisan, workman, la-  
2 borer or other person, who shall do, or perform any work or  
3 labor upon, or furnishing any materials, machinery or fixtures  
4 for any building, erection or other improvement upon land,  
5 including contractors, sub-contractors, material furnishers,  
6 mechanics and laborers engaged in the construction of any  
7 railroad, or other work of internal improvement, or for the  
8 work or labor or work done on any steamboat or other water  
9 craft, or materials furnished for the same, or for the repairing  
10 of the same, under and by virtue of any contract with the  
11 owner or proprietor thereof, his agent, trustee, contractor,  
12 or sub-contractor, upon complying with the provisions of this  
13 Act, shall have for his work or labor done, or materials, ma-  
14 chinery or fixtures furnished, a lien upon such building, erec-  
15 tion or improvement, and upon the land belonging to such  
16 owner or proprietor on which the same is situated, so secure  
17 the payment of such work or labor done, or materials, ma-  
18 chinery or fixtures furnished.

1    2. Every sub-contractor, wishing to avail himself of the



2 benefits of this Act, shall give notice to the owner or propri-  
3 etor, or his agent or trustee, before or at the time he furnish-  
4 es any of the things aforesaid, or performs any of the labor,  
5 of his intention to furnish or perform the same, and the prob-  
6 able value thereof; and if afterwards the things are furnished,  
7 or labor done, the sub-contractor shall settle with the con-  
8 tractor therefor, and having made the settlement in writing,  
9 the same signed by the contractor and certified by him to be  
10 just, shall be presented to the owner or proprietor, or his  
11 agent or his trustees, and left with him, and within thirty  
12 days from the time the things shall have been furnished, or the  
13 labor performed, the sub-contractor shall file with the recorder  
14 of the county in which the building, erection, boat, water craft  
15 or other improvement is situated, a copy of the settlement be-  
16 tween him and the contractor, which shall be a lien on the  
17 building, erection, boat, water-craft or other improvement, for  
18 which the things were furnished, or for which the labor was  
19 performed, and shall at the same time file a correct description  
20 of the property to be charged with the lien, the correctness of  
21 which shall be verified by affidavit.

1 3. If the contractor shall for any reason fail or refuse to  
2 make and sign such settlement in writing with the sub-con-  
3 tractor, when the same is demanded, then the sub-contracto-

4 shall make a just and true statement of work and labor done,  
 5 or things furnished by him, giving all credits, which he shall  
 6 present to the owner or proprietrs, or his agent or trustee, and  
 7 shall also, within thirty days, file a copy of the same, verified  
 8 by affidavit, with the recorder of the county in which the  
 9 building, erection, boat or other improvement may be situated,  
 10 together with a correct description of the property to be  
 11 charged with the lien.

1 4. The certificate of settlement made as aforesaid, or the  
 2 statement of the sub-contractor, shall be a justification to the  
 3 employer in withholding from the contractor the amount ap-  
 4 pearing thereby to be due to the sub-contractor, until he is  
 5 satisfied that the same has been paid, and the employer shall  
 6 become the surety of the contractor to the sub-contractor for  
 7 the amouut due for such work and labor or things furnished,  
 8 not, however, exceeding the value thereof as notified under  
 9 section second.

1 5. The notices mentioned shall be served as other notices  
 2 are directed to be served.

1 6. It shall be the duty of every person, except as has been  
 2 provided for sub-contractors, who wishes to avail himself of the  
 3 provisions of this act, to file with the recorder of the county in  
 4 which the building, erection, or other improvement, to be

5 charged with the lien, is situated, and within ninety days after  
6 the things aforesaid shall have been furnished, or the work and  
7 labor done, or performed, a just and true account of the  
8 demand due or owing to him, after allowing all credits, and  
8 containing a correct description of the property to be charged  
9 with said lien, and testified by affidavit.

1 7. It shall be the duty of the recorder of the county to  
2 endorse upon every account the date of its filing, and record  
3 the same in a book by him to be kept for that purpose, to be  
4 called "The Mechanic's Lien Record," properly indexed, and  
5 he shall state the time of the filing of the same, the description  
6 of the property to be charged by the said lien, and shall, when  
7 duly required, enter satisfaction on the same, for which said  
8 recorder shall receive in each case the sum of \$ , to be  
9 paid by the person imposing the lien, which shall be taxed and  
10 collected as other costs, in case there be a suit thereon.

1 8. Where there are several contractors under the same em-  
2 ployer, for the building or erection, or other improvement, or  
3 for work or labor, or for things furnished for the same erection  
4 or improvement, where the work, labor and materials are  
5 necessary towards the completion of the same, the said several  
6 lienors shall have no priority of lien for such work and labor,  
7 or materials furnished; and if the said structure and the ground

8 on which the same is situated, be not sufficient to pay the  
9 expense of the whole structure, the said laborers and material  
10 men shall be paid *pro rata*.

1 9. The entire land upon which any such building, erection,  
2 or other improvement is situated, including as well that part  
3 of said land which is not covered with such building, erection,  
4 or other improvement, shall be subject to all liens created by  
5 this act, to the extent, and only to the extent, of all the right,  
6 title, and interest, owned therein by the owner or proprietor of  
7 such building, erection, or other improvements, for whose  
8 immediate use or benefit such labor was done or things were  
9 furnished; and when the interest owned in said land, by  
10 such owner or proprietor of such building, erection, or other  
12 improvement, is only lease, not interest, the forfeiture of such  
13 lease for the non-payment of rent, or for non-compliance with  
14 any other stipulations therein, shall not forfeit or impair such  
15 liens, so far as it concerns the building, erection and improve-  
16 ment thereon, put by such owner or proprietor, charged with  
17 such lien, but such building, erection, or improvement may be  
18 sold to satisfy such lien, and be moved within thirty days  
19 thereafter to sale by the undertaker.

1 10. The lien for the things aforesaid, or work, shall attach  
2 to the building, erection, or improvement, for which they fur-

3 nished, or the work was done in preference to any prior lien  
 4 or incumbrance, or mortgage or deed of trust, upon the land  
 6 upon which said building, erection, or improvement, have been  
 7 erected or put; and any person enforcing such lien, may have  
 8 such building, erection, or improvement sold, and the purchaser  
 9 may vendue the same within a reasonable time thereafter.

1 11. Any person having a lien under, or by virtue of this  
 2 act, may file a bill in chancery to enforce the same; and any  
 3 other person having a lien thereon, may file his petition in the  
 4 said case and be made defendant therein, and make his claim  
 5 in the same manner as though he had been plaintiff in the case,  
 6 according to the practice in courts of chancery.

1 12. In case of death of any of the parties, whether before  
 2 or after suit, the personal representative of such deceased  
 3 party shall be made the plaintiff, or defendant, as the case may  
 4 require.

1 13. All persons furnishing things or doing work provided  
 2 for by this act, shall be considered sub-contractors, except such  
 3 as therefor have contracted singly with the owner, proprietor,  
 4 his agent or trustee.

1 14. Nothing herein contained shall be so construed as to give  
 2 a sub-contractor or laborer a lien for any amount greater than



3 that originally contracted for between the employer and con-  
4 tractor.

1 15. No person who shall take colateral security for the  
2 payment of the money for any structure, shall be entitled to  
3 the lien provided in this act, but the taking the note or bill of  
4 exchange of the party liable shall not be construed such  
5 security.



## Senate Bill No. 11.

A BILL to incorporate the Jonathan's Gaut and Glenn's Run Turnpike Company.

*Be it enacted by the Legislature of West Virginia :*

1     1. That it shall be lawful to open books for  
2 receiving subscriptions to an amount not ex-  
3 ceeding fifteen thousand dollars, divided into  
4 shares of twenty-five dollars each, to constitute  
5 a joint capital stock for constructing a turn-  
6 pike road from Jonathan's Gaut, at the north  
7 end of Main street of the city of Wheeling, to  
8 Glenn's Run, in Ohio county and State of West  
9 Virginia; to be located on or near or on the  
10 track of the road surveyed by order of the said  
11 Ohio county, through the lands of the late  
12 Andrew P. Woods and others, and on record  
13 in the said county, by and with the consent of  
14 the supervisors of the said county. The said  
15 books shall be opened under the direction of  
16 Robert Crangle, George T. Tingle, Joseph Bell,  
17 Alexander M. Jacob and David Garden, or  
18 any two of them, for the purpose of receiving  
19 subscriptions, and when two thousand dollars  
20 shall have been subscribed by responsible  
21 persons, bona fide, then the said subscribers

22 shall be incorporated by the name of the Jona-  
23 than's Gaut and Glenn's Run Turnpike Com-  
24 pany.

1     2. Said turnpike road shall be opened not  
2 less than twenty-seven feet wide, provided the  
3 said company shall not be compelled to pave  
4 or gravel the side walks of the said road, and  
5 said company may cover the said road with  
6 such material as may be ordered by the direc-  
7 tors of the same; but said corporation shall  
8 be subject to the provisions of the Code in re-  
-9 lation to turnpike companies.

1     3. The said corporation shall elect a board of  
2 directors for the management of the affairs of  
3 the said road, and make such by-laws and  
4 regulations as may be necessary for the govern-  
5 ment of the same.

1     4. The said corporation may erect a gate on  
2 said road, above the ferry, known as the Mar-  
3 tinsville ferry, and may charge and collect tolls  
4 thereon allowed by law, and said tolls shall be  
5 applied first to keeping the road in good repair  
6 before any dividend shall be made to the stock-  
7 holders.

## Senate Bill No. 12.

A BILL to authorize the Judge of the Ninth Judicial Circuit of West Virginia to fill official vacancies in his Circuit.

1 WHEREAS, In the five counties comprising the  
2 Ninth Judicial Circuit of West Virginia, to-wit:  
3 the counties of Pocahontas, Greenbrier, Mon-  
4 roe, Mercer and McDowell, in consequence of  
5 rebel opposition and resistance to the law, the  
6 organization of the government and the estab-  
7 lishment of civil law have been, and are still  
8 greatly obstructed and retarded, to the preju-  
9 dice of public justice, and the inconvenience of  
10 the people generally.

*Be it enacted by the Legislature of West Virginia :*

1 1. That it shall be lawful for the judge of  
2 the said circuit, by appointment under his hand  
3 and seal, to fill any and all vacancies now ex-  
4 isting, or which may hereafter occur, in any of  
5 the offices, whether county or township, (with



6 the exception of members of the Senate and  
7 House of Delegates,) in the said counties of  
8 Pocahontas, Greenbrier, Mercer and McDowell,  
9 or any thereof; and the officers so appointed  
10 by the said judge, being otherwise legally quali-  
11 fied, shall continue in office, (unless sooner  
12 removed therefrom,) until their successors are  
13 duly elected and qualified according to law.

## Senate Bill No. 13.

A BILL for the relief of James A. Ewing.

*Be it enacted by the Legislature of West Virginia :*

1    The Board of Supervisors of Wood county  
2    are hereby required to pay to James A. Ewing,  
3    out of the school fund, by order on the treas-  
4    urer thereof, such allowance as justice may re-  
5    quire, for services rendered as county superin-  
6    tendent of free schools for said county.



## Senate Bill No. 14.

A BILL to provide for the recovery of specific personal property.

*Be it enacted by the Legislature of West Virginia:*

1     1. That a suit may be instituted in any circuit court of this  
2 State, or before any justice of the peace thereof, for the re-  
3 covery of specific personal property, as follows: The party,  
4 his agents or attorney, desiring to commence an action for the  
5 recovery of specific personal property, shall file with the clerk  
6 of the circuit court, or if the proceedings are before a justice  
7 of the peace, with such justice, a declaration or statement in  
8 writing, describing with reasonable certainty the property in  
9 controversy, stating its value, setting forth that the right of  
10 property, or some interest therein superior to that of the defen-  
11 dants in the plaintiff; that he is entitled to immediate posses-  
12 sion of the same; that the defendant wrongfully detains such  
13 property, and also the probable amount of damages to the  
14 plaintiff for such detention.

1     2. The clerk of the court, or justice, shall thereupon endorse  
2 upon such declaration or statement in writing, a summons  
3 requiring the defendant to appear and answer the plaintiffs

4 action as in other summons commencing suits in a circuit court,  
5 or before a justice of the peace.

1 3. Such declaration or statement in writing with the sum-  
2 mons aforesaid endorsed thereon, shall be served by the sheriff,  
3 if in the circuit court, if before a justice or a constable, by  
4 delivering a copy thereof to such defendant, and making his  
5 return on the declaration as in the case of other summonses.

1 4. The plaintiff, his agent or attorney, at the time of com-  
2 mencing such suit, or at any time thereafter before trial, may  
3 have immediate possession of such specific personal property  
4 upon condition as follows:

1 5. The plaintiff, his agent or attorney, shall file an affidavit  
2 with the clerk or justice, showing, 1st. A description of the  
3 property claimed; 2d, that the plaintiff is the owner of the  
4 property, or has some specific ownership or interest therein  
5 superior to that of the defendant; and that he is entitled to  
6 the immediate possession of the property; 3, that the property  
7 is wrongfully detained by the defendant; 4th, that it was not  
8 taken in execution on any order or judgment against said  
9 plaintiff, or for the payment of any tax, fine or assessment  
10 assessed against him or by virtue of an order of delivery herein-



11 after provided in this act, or any other measure or final process  
12 issued against the plaintiff.

1 6. The plaintiff shall also at the time of filing such affidavit,  
2 give bond with security approved by the clerk or justice, in a  
3 penalty of at least double the value of the property claimed,  
4 but in a sum never less than fifty dollars, with condition to pay  
5 all costs and damages, which may be awarded against him, or  
6 sustained by any person by reason of such suit, and to have  
7 such property forthcoming to answer any judgment decree or  
8 order of the court respecting the same; provided that the  
9 defendant may still retain such property in his possession, if  
10 within forty-eight hours after the officer's levy thereon, by  
11 virtue of the order hereinafter mentioned, he execute and file  
12 a bond with sureties approved by the clerk or justice, payable  
13 to the plaintiff in at least double the value of the  
14 property set forth in the plaintiff's declaration or statement,  
15 conditioned to have the property forthcoming at such time, and  
16 place as the court or justice may require, or to perform the  
17 judgment, decree or order of the court, or justice in such suit.  
18  
19 Upon the filing of the bond and affidavit by the plaintiff, the  
20 clerk or justice shall make an order directing the sheriff or

21 constable of the county or corporation, to deliver him the  
22 property described in his declaration or statement in writing.

1 7. Such order shall be executed by the said officer by taking  
2 possession of the property specified in the declaration or state-  
3 ment, and keeping the same in his custody for forty-eight hours;  
4 when if the defendant have filed his bond as hereinbefore  
5 mentioned the officer shall redeliver to him the property so  
6 verified, but if the defendant have not filed said bond, the  
7 property shall be delivered to the plaintiff.

1 8. The sheriff or other officer in executing such order, may  
2 break open any house, stable, out-house or other building, or  
3 receptacle in which such property is concealed or kept in, or  
4 to seize the same, having first made demand of said property  
5 and of entrance into the same. Either plaintiff or defendant  
6 to such suit may be reasonable to the other, move the court,  
7 or the judge thereof in vacation, or the justice before whom  
8 such suit is instituted, for an order to repossess such property,  
9 on account of the insufficiency; and the court, or judge thereof  
10 in vacation, or justice may make such order in the case as may  
11 be just and equitable to all parties interested therein.

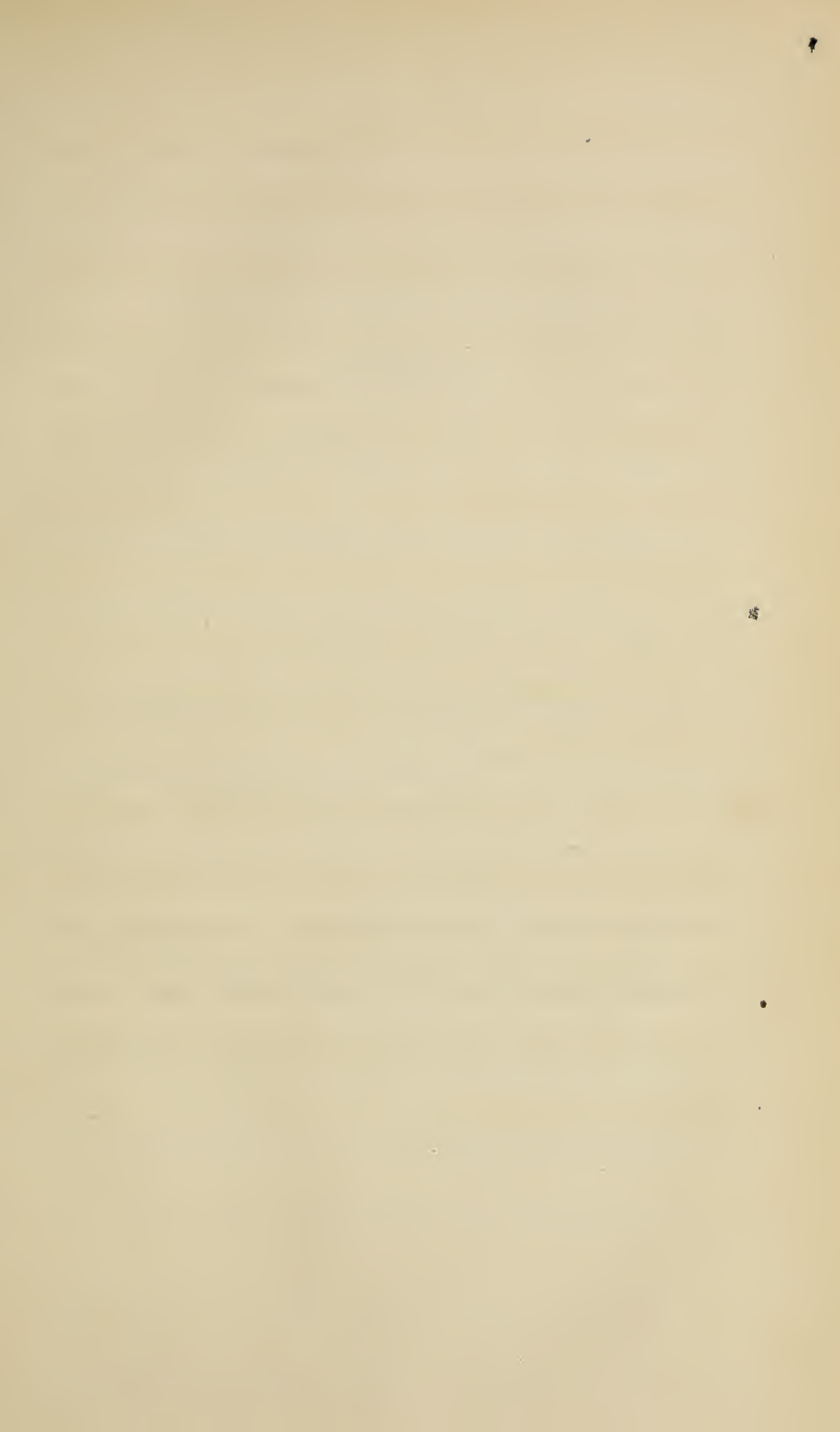
1     9. All trials by virtue of this act, for the recovery of speci-  
2     fic personal property, shall be constructed and determined  
3     according to the laws of this State not inconsistent with the  
4     provisions of this act, and verdicts rendered therein, according  
5     to the very right and equity of the case, and judgment shall  
6     be entered against the party cast, and if he have given bond,  
7     such judgment shall also be entered against the security, and  
8     shall thereafter have the same force and effect against such  
9     parties as judgments in other cases.

1     10. On judgment in suits for the recovery of specific per-  
2     sonal property under this act, a writ or order of possession  
3     may issue for such specific personal property in favor of the  
4     party entitled thereto by judgment; and a writ of *feri facias*  
5     may also issue for his damages and costs, or on every such  
6     judgment, at the option of the party entitled thereto, a writ of  
7     *feri facias* may issue for the alternative value of such proper-  
8     ty, (instead of a writ or order of possession,) and damages and  
9     costs; provided, that in every case where a party before trial  
10    may have obtained possession of the property in controversy  
11    by virtue of any order or writ hereinafter mentioned, on judg-

12 ment in his favor, a writ or order of possession only may issue,  
13 and a writ of *feri facias* for his damages and costs.

1 11. Every writ of *feri facias* issued under this act shall be  
2 levied upon the goods and chattles of the party cast, and if  
3 such party have given bond as hereinafter provided, the *fifa*  
4 may also, at the option of the party in whose favor the execu-  
5 tion is issued, be levied upon the goods and chattles of his  
6 surety on such bond, and the officer shall proceed, as at law, in  
7 the case of executions, to make the money required out of the  
8 estate of the principal first, supplying any deficiency out of the  
9 estate of the surety.

1 12. In no case shall the provisions of this act be deemed to  
2 authorize the commencement of suits before a justice of the  
3 peace, where the property in controversy is of more than one  
4 hundred dollars in value, and in cases before a justice an ap-  
5 peal shall be to the circuit court, according to the law regula-  
6 ting appeals from justices.







## Senate Bill No. 15.

A BILL to incorporate the Wayne County Coal and Iron Railway Company.

*Be it enacted by the Legislature of West Virginia:*

1    1. Richard Decker, Charles H. Reynolds, George W.  
2    Gasherie of the city of New York, John P. Verree of Philadel-  
3    phia, Milton Sheldon, Z. D. Ramsdell, Henry A. Baker,  
4    Lucien Ayer, Hamilton Mills of Wayne county, West Vir-  
5    ginia, John Bromley, M. J. Ferguson, George W. Gallup,  
6    of Louisa, Kentucky, Thomas S. Jordan, of Greenup county,  
7    Kentucky, and their associates, successors and assigns, and all  
8    who shall hereafter become stockholders, whenever five thous-  
9    and shares of the capital stock as hereinafter provided, shall  
10   have been subscribed; are hereby created and made a body  
11   politic and corporate by the name of the "Wayne county Coal  
12   and Iron Railway Company," and by that name shall have  
13   perpetual succession, and shall be in law and equity capable of  
14   suing and being sued, pleading and being impleaded in all  
15   courts whotsoever; and also of contracting and being contract-  
16   ed with in all matters relative to the objects of the said  
17   corporation; and may have a common seal, and may change

18 and alter the same at pleasure, and shall have full power to  
19 make rules and by-laws for the regulation and management of  
20 said corporation, not inconsistent with the laws of this State,  
21 or of the United States.

1     2. The capital stock of said company ; shall be two million  
2 dollars in shares of fifty dollars each ; books to be opened by  
3 the said corporators or any three of them, to receive subscrip-  
4 tions to the said capital stock, within one year after the passage  
5 of this act, at Ceredo, West Virginia, New York, Philadelphia,  
7 or any other places they may designate.

1     3. The business of said company shall be under the direction  
2 and superintendence of a board of seven directors, to be elected  
3 annually by the stockholders ; the said board shall at their first  
4 meeting after each election choose one of their number as  
5 President of the board, and such other officers as they may  
6 deem necessary for the management of the business of the  
7 company. At all elections for officers, or otherwise, each  
8 stockholder shall have one vote for every share of stock held  
9 by him, and in case of a vacancy in the board of directors such  
10 vacancy shall be filled by the board from among the stock-  
11 holders.

1     4. The said company by its president, directors, agents and  
2 servants shall have the right to lay out build and construct a

3 railway with a single or double track, with all necessary  
4 switches and turnouts; commencing on the Ohio river at or  
5 near Ceredo in the county of Wayne, and extending by the  
6 most practicable route in said county to or near the forks of  
7 Twelve Pole river, thence up the valley of the Left Hand fork  
8 of the said Twelve Pole river to Cove creek, and Fourteen mile  
9 creek to the Guyandotte river, with full power to construct  
10 such lateral branches to said railway as they may deem neces-  
11 sary, and with full power to construct the necessary bridges  
12 across streams wholly within this State, but in such a manner  
13 as not to obstruct the navigation thereof. And said railway  
14 and its branches when completed shall be a public highway, for  
15 the conveyance of passengers and the transportation of freight  
16 of every description, subject to the provisions of chapters 56,  
17 57 and 61 of the code of Virginia, second edition.

1 5- The said company are authorized to borrow money not  
2 exceeding one million five hundred thousand dollars, and issue  
3 bonds with coupons attached bearing interest not exceeding  
4 seven per centum per annum, and to mortgage any part or all  
5 of their property to secure the payment of the same.

1 6. The said company are authorized and empowered to  
2 purchase and hold in fee simple or any less right, lands not  
3 exceeding one hundred thousand acres, and to sell, lease,

4 mortgage or otherwise dispose of the same at their pleasure,  
5 and make proper conveyances therefor.

1     7. For the purpose of laying out and locating their railway  
2 and its branches the president and directors, their engineers  
3 and employees, are authorized to enter upon and pass through  
4 and over any lands on the contemplated route, and to occupy  
5 the same as long as they may deem it necessary for locating  
6 said railway. But the said company in constructing said road,  
7 its branches, depots, or stations shall not open any enclosure  
8 or in any manner injure the property of the owner, or occupant  
9 thereof without his consent, or invade the dwelling house or  
10 any space within forty feet thereof without like consent. And  
11 where the line of said road has been located, if the owners of  
12 the said lands and the officers, and agents of said company  
13 cannot agree upon the value of the lands appropriated by said  
14 company, for the location of said railway, its depots, ware  
15 houses, and stations, the said company may have and hold the  
16 said lands for their use in the manner following, to wit: The  
17 said company shall make out a particular description in writing  
18 of the lands of each proprietor, and file it in the clerk's office  
19 of the circuit court of the county in which the lands are located,  
20 stating therein the sum they propose to pay therefor, and also

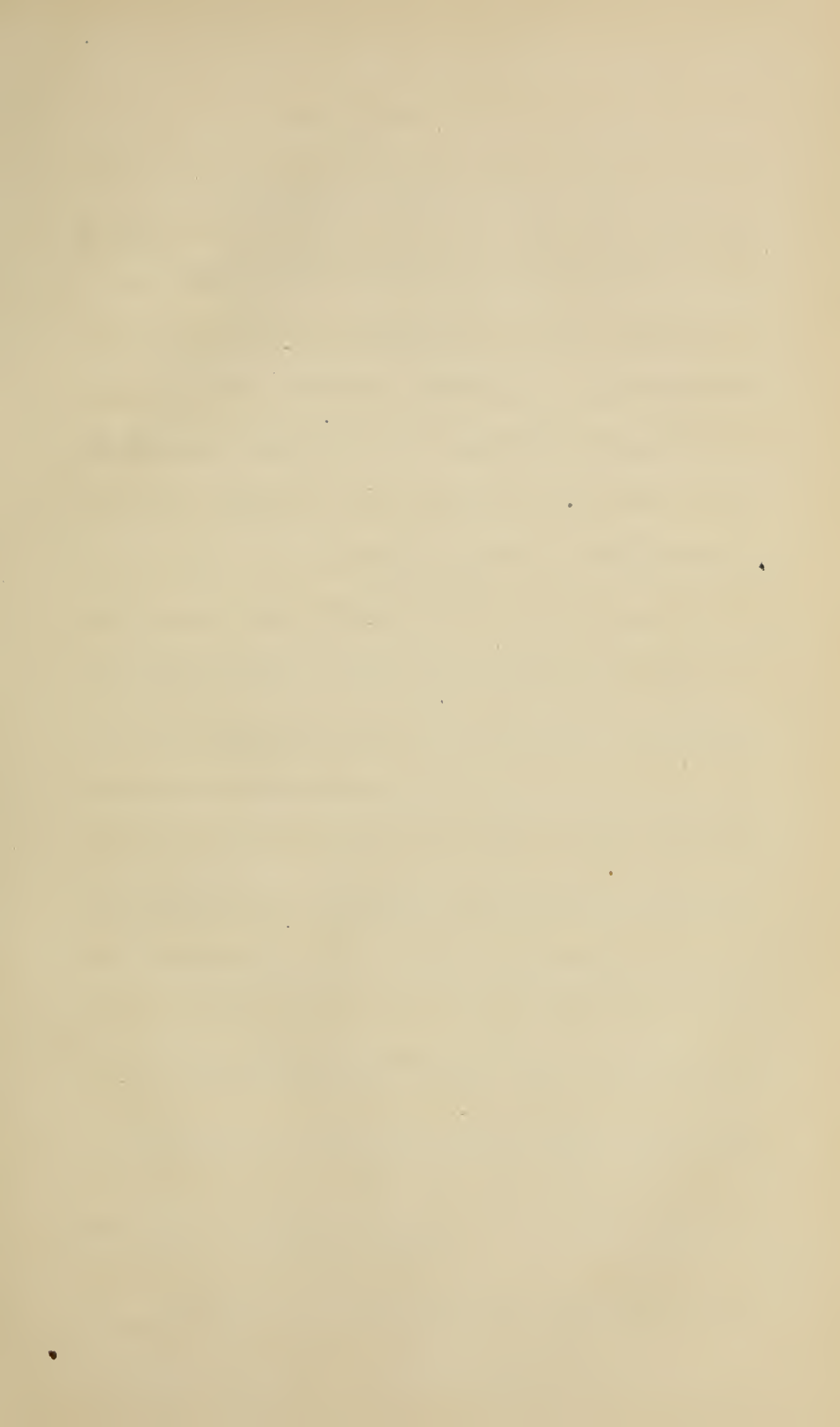


21 to file therewith a bond with sureties to the satisfaction of the  
22 judge of said court conditioned to pay all that may be recover-  
23 ed against them as hereinafter provided, and thereupon they  
24 may enter upon and take possession of the said lands and at  
25 once appropriate the same for the purposes designated in the  
26 said description, provided however that the lands appropriated  
27 for the track of said road shall not exceed sixty feet in width,  
28 except in case of cuts or fills where the width may be one  
29 hundred and forty feet, and the owner of said land or his agent  
30 may file with the said clerk his claim therefor, in which shall  
31 be stated the sum demanded for said land, and the court shall  
32 thereupon appoint five disinterested persons any three of whom  
33 may act, for the purpose of ascertaining a just compensation  
34 for said land. After said appointment is made the sheriff shall  
35 summon the said viewers to meet on said land at such time as  
36 he may appoint, giving at least ten days notice to the parties  
37 interested. The viewers shall be sworn by the sheriff that  
38 they and each of them will fairly and impartially assess, fix  
39 and determine the amount said railway company shall pay  
40 for the use of said land, if any, beyond the benefits to result to  
41 said owner from the construction of said railway; they shall  
42 make their assessment and report in writing and sign the same,  
43 the said report shall be certified by the sheriff, and shall

44 contain a statement of the facts upon which it is founded, and  
45 their reasons for allowing such compensation, and on the first  
46 day of the next term of said court after the return of said  
47 report, the judge of the said court shall direct judgment to be  
48 entered upon said report if no exceptions be taken and filed  
49 thereto by either party, but if exceptions be filed the court shall  
50 decide according to the evidence before it, and after judgment  
51 upon said report, the company shall hold the said land by an  
52 absolute and indefeasible title. The judge shall have power  
53 to determine or order which party shall pay the cost of such  
54 proceeding.

1 8. Any stockholder may assign and transfer his stock on  
2 the books of the company, or by attorney duly authorized so  
3 to do, and the assignee, under such assignment and transfer,  
4 shall thereby become liable to said company for all unpaid  
5 assessments on said stock, and the previous stockholder shall  
6 be released from further liability therefor, and no stockholder's  
7 individual property shall be liable for the debts of the company.

1 9. This act shall be in force from its passage, but shall ter-  
2 minate and be void if the said company be not organized with-  
3 in two years, and in good faith commence operations on said  
4 railway within four years, and finish at least fifteen miles there-  
5 of within ten years from the date of the passage of this act.





## Senate Bill No. 16.

A BILL to incorporate the Marshall Institute and Library Association of Moundsville.

*Be it enacted by the Legislature of West Virginia:*

1     1. That William Walker, J. W. Gallaher,  
2     Hanson Criswell, N. K. Shattuck, John W. Ney,  
3     John Gilmor, T. B. Hughes, John Bell, John  
4     M. Bell, S. T. Armstrong, W. J. Purdy, John  
5     Lorain, Wm. Blake, E. W. Woods and such  
6     other persons as are now, or may hereafter be-  
7     come members, shall be and they are hereby  
8     created and made a body politic and corporate,  
9     by the name, style and title of the Marshall  
10    Institute and Library Association of Mounds-  
11    ville, and by that name shall have continued  
12    succession, plead and be impleaded, defend and  
13    be defended in any court of law or equity in  
14    this State or elsewhere, and to make, have and  
15    use a common seal, and the same to alter or  
16    renew at their pleasure.

1     2. That the said Institute and Association



2 shall have power to elect annually, a president,  
3 vice-president, secretary, treasurer, librarian  
4 and execution committee; to hold meetings, to  
5 establish and put into executive, alter or  
6 abolish such by-laws, rules and regulations as  
7 to them shall seem most conducive to the in-  
8 terests of the institute and association; Pro-  
9 vided, the same be not contrary to the laws of  
10 the State, or of the United States; to purchase  
11 and hold a library, and to purchase, receive,  
12 hold and dispose of any other property, real or  
13 personal, not at any time exceeding in amount  
14 fifty thousand dollars; and generally to do any  
15 other matter or thing necessary to carry into  
16 effect the objects of the institute and associa-  
17 tion.

1 3. That nothing in this act shall be so constru-  
2 ed as to authorize the said corporation to issue  
3 any note, scrip, device or other evidence of debt  
4 to be used as a currency.

## Senate Bill No. 17.

A BILL to admit testimony of interested parties  
in civil actions.

*Be it enacted by the Legislature of West Virginia :*

1     1. That no person shall be disqualified as a  
2 witness, in any civil action or proceeding, by  
3 reason of his interest in the event of the same,  
4 as a party or otherwise, or by reason of his  
5 conviction of a crime; but such interest or  
6 conviction may be shown for the purpose of af-  
7 fecting his credibility.

1     2. No party to a civil action shall be allow-  
2 ed to testify, by virtue of this act, in any  
3 action when the adverse party is a guardian,  
4 executor or administrator, except in the follow-  
5 ing cases, viz. 1st, In action with an executor  
6 administrator or guardian, a party may testify  
7 to facts which occurred after the death of the  
8 decedent or parent; 2d, In actions upon con-  
9 tracts by deceased persons, through agents,  
10 and in which the agent shall testify, a party  
11 may testify to all that transpired between him  
12 and the agent, in relation to such contract and  
13 the making thereof; 3d, In actions with an  
14 executor, administrator or guardian in which

15 the claim or defense is founded on book account,  
16 the party may testify to his book account, that  
17 the same is a book of original entries, that the  
18 entries in the same were made by himself, or  
19 by a disinterested person non-resident of the  
20 county at the time of trial.

1     3. That it shall be competent for any court  
2 of justice, upon the trial of any action wherein  
3 any claim or defense is founded on book account,  
4 upon proof of the death of the party in interest  
5 making the original entries in such book of  
6 account, and that the entries are in his hand-  
7 writing; to admit such book of original entries  
8 as evidence; and if the original entries in said  
9 book of accounts, have been made by a disin-  
10 terested person, who at the time of said trial  
11 is deceased, or a non-resident of the county, in  
12 proof of such decease or non-residence and that  
13 the said entries are in the handwriting of such  
14 person, it shall be competent to admit said  
15 book of original entries as evidence, the right  
16 to be given to such evidence in either case  
17 however, being left to the jury or court to  
18 determine.

## Senate Bill No. 18.

A BILL to amend an act exempting certain property from execution or other process.

*Be it enacted by the Legislature of West Virginia :*

1 That section first of chapter 29 of the  
2 acts of the second session of the legislature of  
3 West Virginia, passed March 1st, 1864; be  
4 amended and re-enacted to read as follows:

5 "1. Any husband or parent, residing in this  
6 State, may set apart his personal estate not  
7 exceeding two hundred dollars in value, to be  
8 exempt from execution or other process. And  
9 any property, personal or real, belonging to a  
10 married woman at the time of her marriage, or  
11 come to her afterward, by deed, gift, convey-  
12 ance or otherwise, or by the result of her  
13 separate earnings, or profits arising from her  
14 property, shall not be liable to be taken on  
15 execution, or other process to satisfy the debts  
16 of her husband.





## Senate Bill No. 19.

A BILL for the relief of William E. Lyon.

*Be it enacted by the Legislature of West Virginia :*

1     1. It shall be lawful for Wm. E. Lyon, his  
2 heirs and assigns, to erect and continue a mill  
3 dam across Ten Mile creek, on his land in Har-  
4 rison county, at or near where a dam was erec-  
5 ted by Charles Gains, which dam was erected  
6 by the authority of the county court of Harri-  
7 son county, under its order made on the 9th  
8 day of September, 1852, which order was made  
9 upon the return of a jury of inquest in pursu-  
10 ance of a writ of *ad quod damnum*, sued out of  
11 the clerk's office of said court at the instance  
12 of said Gains.

1     2. Nothing in this act shall be so construed  
2 as to authorize said Lyon, or any person under  
3 him, to obstruct the navigation, or the passage  
4 of fish, to a greater extent than the same was  
5 obstructed by the former dam erected by said  
6 Gains.



## Senate Bill No. 20.

A BILL to protect State and local bounties for Volunteers in the service of the United States and of this State, against attachment and levy for Debt.

*Be it enacted by the Legislature of West Virginia :*

1     1. No bounty heretofore provided by this  
2 State, or any county, township or other organi-  
3 zation thereof, for soldiers who volunteered in  
4 the service of the United States, or of this  
5 State, nor any security for such bounty shall  
6 be, in any way, liable to attachment or other  
7 process for the payment of any debt, claim or  
8 contract made by, or arising against the soldier  
9 for whom such bounty may have been provided  
10 previous to his enlistment.



## Senate Bill No. 20.

A BILL to amend the Charter of the West Virginia Central Railway Company.

*Be it enacted by the Legislature of West Virginia :*

1     1. The West Virginia Central Railroad Com-  
2     pany shall have the right to construct and  
3     operate a railroad from Charleston, Kanawha  
4     county, West Virginia, to Covington, or the  
5     State line near Covington, on the route survey-  
6     ed by the Covington and Ohio railroad com-  
7     pany, with all the rights and privileges incident  
8     thereto, together with full possession of all the  
9     rights of every name and nature which the State  
10    of West Virginia now have in and to the fran-  
11    chise known as the Covington and Ohio rail  
12    road, and the same shall be conveyed to the  
13    said West Virginia Central Railway, in fee  
14    simple.

1     1. The State of West Virginia shall also re-  
2     linquish to the West Virginia Central Railway  
3     Company all the stock of the West Virginia  
4     Central Railroad which the State now holds ;  
5     and all laws and sections of laws to the con-  
6     trary, shall be, and the same are hereby re-  
7     pealed.



1     3. The above and foregoing sections 1 and 2,  
2 are upon the condition that the West Virginia  
3 Central Railway Company, or such other com-  
4 pany as they shall consolidate with, shall build  
5 and fully equip a first class railroad from Cov-  
6 ington to the Ohio river, work on which shall  
7 be commenced within sixty days after the pas-  
8 sage of this act, and vigorously prosecuted un-  
9 til completed, within the space of five years  
10 from January 1st, 1866.

1     4. The West Virginia Central Railway Com-  
2 pany shall have power to consolidate with any  
3 line of railroad chartered by the State of Vir-  
4 ginia, which shall be organized under terms, to  
5 possess all the franchises of the Covington and  
6 Ohio Railroad in the State of Virginia, to com-  
7 plete the entire road to the Ohio river.

## Senate Bill No. 21.

A BILL to incorporate the Town of Ceredo, in the County of Wayne.

*Be it enacted by the Legislature of West Virginia :*

1    1. The corporate limits and boundaries of the town of Ceredo,  
2 Wayne county, West Virginia, shall be as follows: Beginning  
3 at the mouth of Twelve Pole creek, thence up said creek eighty  
4 rods, south of the "old military line," thence due west three  
5 hundred rods, thence north to the Ohio river, at the "old Mor-  
6 gan Mill," thence up the Ohio river to the place of beginning.

1    2. The municipal authorities of said town shall be a mayor, a  
2 recorder and five councilmen, who, together, shall form a com-  
3 mon council.

1    3. The mayor, recorder and councilmen, so soon as they have  
2 been elected and qualified, as hereinafter provided, shall be a  
3 body politic and corporate, by the name of "The Town of Cere-  
4 do;" and shall have perpetual succession, and a common seal;  
5 and by that name may sue and be sued, implead and be im-  
6 pleaded; may purchase and hold real estate necessary to enable  
7 them the better to discharge their duties, and needful for the  
8 good order, government and welfare of said town.

1    4. All the corporate powers of said corporation shall be exer-  
2 cised by said council, or under their authority, except where  
3 otherwise provided.

1    5. There shall be a town sergeant, a treasurer and commis-  
2 sioner of the revenue appointed by the council, to continue in  
3 office at its pleasure, and perform the duties respectively as  
4 hereinafter prescribed, or as may be required by the council.

1 6. The duties of the office of recorder, treasurer and commis-  
 2 sioner of the revenue may be discharged by the same person, or  
 3 otherwise, as the council may from time to time determine.

1 7. The mayor, recorder and councilmen shall be elected by  
 2 the citizens of the said town who may be entitled to vote under  
 3 this act, and (except when elected to fill vacancies) for the term  
 4 of one year, and until their successors shall have been qualified,  
 5 and shall be freeholders and residents of said town, and entitled  
 6 to vote for members of the common council.

1 8. The first election under this act shall be held on third  
 2 Saturday in March, eighteen hundred and sixty-six, at the Cere-  
 3 do House in said town, under the supervision of a justice of  
 4 Ceredo township; and annually thereafter there shall be an  
 5 election on the same day in each year, at such place and under  
 6 such supervisions, rules and regulations as the council of said  
 7 town may prescribe. The person conducting the first election,  
 8 shall grant certificates to the persons elected, which shall be en-  
 9 tered upon the records with ordinances of said council, and their  
 10 term of office shall commence on the first day of April next  
 11 after election.

1 9. All persons residents of said town, and entitled to vote for  
 2 county and townships officers, shall be entitled to vote for may-  
 3 or, recorder and councilmen.

1 10. When a vacancy shall occur from any cause in the office  
 2 of mayor, recorder, or in the council, the vacancy shall be filled  
 3 by appointment by the council.

1 11. At all elections the vote shall be by ballot, and when two  
 2 or more persons for the same office, at any election, shall receive  
 3 an equal number of votes, the person or persons conducting such

4 an election shall decide which of the said persons shall be re-  
5 turned elected. And all contested elections shall be heard and  
6 determined by the council for the time being.

1 12. The mayor, recorder, councilmen, sergeant, treasurer and  
2 commissioner of the revenue, shall each, before entering upon  
3 the duties of his office, and within ten days after being furnished  
4 with a certificate of his election, take and subscribe the oath of  
5 loyalty prescribed for county and township officers, and that  
6 they will truly, faithfully and impartially discharge the du-  
7 ties of their said offices, respectively, to the best of their abili-  
8 ties so long as they continue therein. The recorder shall take  
9 such oath or affirmation before a justice or other officer author-  
10 ized to administer oaths, and thereupon he shall administer the  
11 oaths aforesaid to the other officers and councilmen. Certifi-  
12 cates of the said oaths or affirmations shall be recorded in the  
13 journal of the proceedings of the council.

1 13. When any four of the newly elected councilmen shall  
2 have been so qualified, they shall enter upon the duties of their  
3 said offices and supersede the former councilmen.

1 14. If any one elected mayor, recorder or councilman shall  
2 not have been eligible, or shall fail or refuse to take the oath or  
3 affirmation required under this act within the ten days afore-  
4 said, such office shall be declared vacant, and the vacancy filled  
5 as hereinbefore prescribed, but in all cases from among the citi-  
6 zens of the town eligible to such office or position under this  
7 act.

1 15. The council shall be presided over at its meetings by the  
2 mayor, or, in his absence, by one of the councilmen selected by  
3 a majority of the council present, and a majority of the council  
4 shall be necessary to constitute a quorum to do business.

1 16. The council shall cause to be kept in a journal, an accu-  
2 rate record of all its proceedings, by-laws, acts and orders,

3 which shall be fully indexed and open to the inspection of  
4 the voters in the town.

1 17. The proceedings of last meeting shall be read to the  
2 council, corrected when necessary, and signed by the person  
3 presiding for the time being. Upon the call of any member,  
4 the ayes and noes on any question shall be called and recorded  
5 in the journal. The mayor, though voting as a member of the  
6 council in cases of a tie, shall have the casting vote.

1 18. The council so constituted shall have power within said  
2 town to lay off, open, curb and pave streets, alleys, walks and  
3 gutters, for the public use, and to alter, improve and light the  
4 same, and have them kept in order and free from obstructions  
5 on or over them; to regulate the width of the sidewalks and  
6 streets, and to order the sidewalks, footways and gutters to be  
7 curbed, paved and kept in good order, free and clean, by the  
8 owners or occupants of the adjacent property; to lay off public  
9 grounds, and provide, contract for and take care of public  
10 buildings proper to the town; to prevent injury or annoyance  
11 to the public or individuals from anything dangerous, offensive  
12 or unwholesome; to abate or cause to be abated, anything  
13 which, in the opinion of a majority of the whole council, shall  
14 be a nuisance; to regulate the keeping of gunpowder and other  
15 combustibles; to provide for the burial of the dead; and for  
16 this purpose may purchase and hold the necessary land for a  
17 cemetery, near or convenient to said town, and provide for its  
18 improvement and security; to provide for the regular building  
19 of houses and other structures in or for said town; for the  
20 making of division fences, and to provide for shade and orna-  
21 mental trees, and against danger or damage from fires or conta-  
22 gious diseases; to provide a revenue for the town, and appro-  
23 priate the same, and to provide the annual assessment of taxa-  
24 ble persons and property of the town; to adopt rules for the



25 transaction of business and the government and regulation of its  
 26 own body; to promote the general welfare of the town, and  
 27 protect the property and preserve peace and good order  
 28 therein; to keep a town guard; to appoint and order out a  
 29 patrol for the town when deemed necessary; to appoint such  
 30 officers as they may deem proper, including a sergeant, commis-  
 31 sioner of the revenue, and treasurer; to define their powers,  
 32 prescribe their duties, fix their term of service and compensa-  
 33 tion, require and take from them bonds, with such sureties and  
 34 in such penalties as the council may determine, conditioned for  
 35 the true and faithful discharge of their duties, and remove  
 36 them at pleasure, (all bonds to be made payable to the town by  
 37 its corporate name;) to erect, or authorize, or prohibit the  
 38 erection, of gas works or water works in or near the town; to  
 39 prevent injuries to or pollution of the same, for all of which  
 40 purposes named in this clause, except that of taxation, the  
 41 council shall have jurisdiction for one mile beyond the borough;  
 42 to regulate and provide for weighing and measuring of hay,  
 43 coal and other articles sold or for sale in said town, and to reg-  
 44 ulate the transportation thereof through the streets, and gen-  
 45 erally do such things as the council shall deem necessary for  
 46 the interests, prosperity, peace and good order of the citizens  
 47 of said town.

1 19. To carry into effect these enumerated powers, and all  
 2 others conferred upon the said town or its council, expressly or  
 3 by implication, in this or any other acts of the legislature, the  
 4 council shall have power to adopt and enforce all needful  
 5 orders, by-laws and ordinances not contrary to the constitution  
 6 and laws of this state, and to prescribe, impose and enforce  
 7 reasonable fines and penalties, including imprisonment for a  
 8 term not exceeding thirty days, under the judgment and order  
 9 of the mayor of the said town, or the person lawfully exer-

cising his functions. The council, with the consent of the supervisors of Wayne county, entered of record, may have the right to use the jail of said county for any purpose necessary in the administration of its affairs.

20. The annual levy ordered by the council may be upon all male persons within said town, over eighteen years of age, dogs, hogs and other animals, and on all real estate within said town which is not exempt from state taxation, and all such other subjects in said town as may at the time be assessed with state taxes, provided the tax do not exceed one dollar on every hundred dollars of value of unimproved lots, and seventy-five cents on every one hundred dollars of the value of real and personal property, or two dollars per head on each taxable person.

21. When anything for which a state license is required is to be done within the said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town, and the council may in any case require from the person so licensed a bond, with sureties, in such penalties and with such conditions as it may determine.

22. The sergeant shall collect the town taxes, fines, levies and licenses, and after thirty days from the time he may receive the books of the commissioner of revenue of said town, may distrain and sell therefor, in like manner as a sheriff may for state taxes, and shall in all respects have the same powers as a sheriff to enforce the payment and collection thereof, and shall, within the corporate limits of the town, exercise all the duties that a constable can legally exercise in regard to the collection of claims, executing and levying process, and shall be entitled to the same compensation therefor; and he and his securities shall be liable to all the fines, penalties and forfeitures that a constable is legally liable to for any failure or dereliction in

13 said office, to be recovered in the same manner, and before the  
14 same tribunals that the same are now recovered against con-  
15 stables.

1 23. There shall be lien on real estate for the town taxes as-  
2 sessed thereon, from the commencement of the year for which  
3 they are assessed, and the council may order and require the  
4 same to be sold or rented, by the sergeant, at public auction,  
5 for the arrears, with interest thereon, with such *per centum* as  
6 the council may prescribe for charges and expenses thereof.  
7 And may regulate the terms upon, and time within, which the  
8 same may be redeemed. No such sale or renting shall be or-  
9 dered until such realty shall be returned delinquent, and the  
10 sale shall be after thirty days' notice, posted at the hotel and  
11 post-office in said town.

1 24. The council may prohibit any theatrical or other per-  
2 formance, show or exhibition, it may deem injurious to the  
3 morals or good order of the town.

1 25. The mayor shall be the chief executive officer of the town,  
2 shall take care that the by-laws, ordinances and orders of the  
3 council are faithfully executed; shall be *ex-officio* a conservator  
4 and justice of the peace in the town, and shall, within the same  
5 exercise all the powers and duties vested in justices; shall con-  
6 trol the police of the town, and may appoint special police  
7 officers; shall see that peace and good order are preserved, and  
8 that the persons and property are protected in the town; shall  
9 have power to issue executions for all fines and costs imposed  
10 by him, or may require the immediate payment of them, and  
11 in default of such payment, may commit the party in default to  
12 jail until the fine and costs be paid, but the term of imprison-  
13 ment in such cases shall not exceed thirty days. He shall from  
14 time to time recommend to the council, such measures as he  
15 may deem needful for the welfare of the town, and shall receive

16 a compensation for his services fixed by the council, which shall  
17 not be increased or diminished for the term for which he is  
18 elected.

1 26. The recorder shall keep a journal of the proceedings of  
2 the council, and have charge of and preserve the records of the  
3 town, and shall receive a compensation for his services to be  
4 fixed by the council, which shall not be increased or diminished  
5 for the term for which he was elected.

1 27. All money belonging to said town, shall be paid over to  
2 the treasurer, who shall pay the same out on the order of the  
3 mayor, countersigned by the recorder, and not otherwise, and  
4 for any default, or liability upon the part of the treasurer or  
5 sergeant, the council, in the corporate name of said town, may,  
6 on motion, after ten days' notice, obtain judgment before the  
7 circuit court of said county, on account therefor, against them  
8 and their securities respectively, or any or either of them, or  
9 their heirs or legal representatives.

1 28. The said town, and taxable persons and property therein,  
2 shall be exempt from all expense or liability for the construc-  
3 tion or repair of roads or bridges outside the corporate limits of  
4 said town.

## Senate Bill No. 22.

A BILL to protect public school houses.

*Be it enacted by the Legislature of West Virginia :*

1    1. It shall be lawful, and it is hereby made  
2 the duty of the board of education, in each and  
3 every township in this State, to appoint three  
4 discreet persons trustees of the school house  
5 within their respective sub-districts, whose  
6 duty it shall be in the adsence of the members  
7 of the board of education to take care and  
8 general supervision of the grounds, buildings  
9 and furniture belonging to the same; and on  
10 the just representations of any person interest-  
11 ed in said property, the aforesaid trustees shall  
12 be empowered to bring suit in the name of the  
13 board of education before any magistrate of  
14 their township, against any person or persons  
15 for using said grounds, buildings and furniture  
16 for any purpose other than township meetings  
17 and educational purposes.

1    2. On the conviction of any person or persons  
2 before a justice of the peace for committing any  
3 of said offences, the said justice shall impose a  
4 fine of not less than five, nor more than fifty  
5 dollars for every such misdemeanor, recoverable  
6 with costs of suit by warrant, as other debts  
7 are collected.





## Senate Bill No. 23.

A BILL concerning Brooke Academy.

*Be it enacted by the Legislature of West Virginia :*

1     1. That the trustees of Brooke Academy are  
2 hereby authorized to transfer and pay to the  
3 treasurer of Wellsburg township in the county  
4 of Brooke, all money, claims and other property  
5 belonging to the said trustees, and held by  
6 them for the use of said Brooke Academy, and  
7 the said treasurer of Wellsburg township is  
8 hereby authorized and directed to receive and  
9 collect from the said trustees all such money  
10 and property as aforesaid, and place the same  
11 to the credit of the building fund of the Union  
12 school of said township, and to pay out the  
13 same as other monies belonging to the said  
14 building fund.

1     2. Before the said treasurer is authorized to  
2 receive and collect the money and property as  
3 aforesaid, in the foregoing section, he shall  
4 make and execute a sufficient bond as now  
5 directed by law, to be approved by the board  
6 of education of said township.



## Senate Bill No. 24.

A BILL to incorporate the Elk River Navigation Company.

*Be it enacted by the Legislature of West Virginia:*

1     1. That it shall be lawful to open books at Charleston, in  
2 the county of Kanawha, under the direction of Daniel Polsley,  
3 John D. Young, John H. Goshorn, James H. Brown and F.  
4 A. Lovell, or any one or more of them; at Clendennen, in said  
5 county, under the direction of Ralph Smith, George Osborne,  
6 E. B. Chilton and John W. Cortees, or any one or more of them;  
7 at ———, in the county of Clay, under the direction of Felix  
8 Baxter, Ellis Hyre and Samuel Fox, or any one or more of  
9 them; at Sutton, in the county of Braxton, under the direc-  
10 tion of James M. Corley, Anderson Boggs, Phillip Duffey and  
11 James Given, or any one or more of them, and at such other  
12 places and under the direction of such other persons as any  
13 one or more of the persons herein named may appoint, for  
14 receiving subscriptions to the amount of \$100,000, in shares  
15 of \$50 each, to constitute a joint capital stock for improving the  
16 navigation of Elk river, from its mouth to Braxton court house.

1     2. The said books shall be opened and the subscriptions be  
2 received in the manner provided in such cases, by the act en-

3 titled "An Act prescribing certain general regulations for the  
 4 incorporation of turnpike companies. And all the provisions  
 5 in said act in relation to the keeping open the books of sub-  
 6 scription, the payment of subscriptions, the general or annual  
 7 meetings of the company, the ratio of votes of the incorporation  
 8 of this company, the transfer of stock, the election and re-  
 9 moval of the president and directors, and their powers and  
 10 duties shall be held and made to apply to the company hereby  
 11 incorporated, as if they were specially menticned therein.

1     3. As soon as one-fourth of the said sum of \$100,000 shall  
 2 have been subscribed, the subscribers, their executors, admin-  
 3 istrators and assigns shall be, and are hereby incorporated in-  
 4 to a company by the name and style of the Elk River Navi-  
 5 gation Company, and may make such by-laws, rules and  
 6 regulations not inconsistent with the constitution and laws of  
 7 this State or of the United States, as they may deem necessa-  
 8 ry and advisable.

1     4. The president and directors of said company herein be-  
 2 fore conferred, shall exercise the powers and perform the duties  
 3 prescribed by the fifth section of the aforesaid act. And all  
 4 the provisions of said act, for the acquisition of land and ma-  
 5 terials, for the purposes of turnpike companies, shall be equally



6 applicable to the acquisition of land by the company not ex-  
7 ceeding five acres at any one place, for the abutment, a dam,  
8 or the erection of toll houses and other fixtures, and of such  
9 materials as may be necessary for the purpose of the company  
10 herein incorporated.

1     5. That when damage may arise to the land on Elk river  
2 and its tributaries, from the overflowing of the waters or other-  
3 wise, such damage being occasioned by the works of said com-  
4 pany, the same shall be assessed and paid in the manner  
5 required in chapter 56 of the code of Virginia, for assessing  
6 and condemning lands, and the amendment thereto; varying the  
7 forms of the ——— proceedings, as the nature of the case  
8 may require.

1     6. That the company may demand and receive at such  
2 point, or points, at said time as may be selected by the presi-  
3 dent and directors of the company, in general meeting, such  
4 tolls as may be in their opinion reasonable; Provided, that  
5 the rates of toll shall be approved by the board of public works,  
6 and may be regulated from time to time by said board, or by  
7 the general assembly; and provided also, that as fast as said  
8 company shall complete any one or more locks and dams, they  
9 may charge such tolls at such locks and dams as shall be ap-  
10 proved by the board of public works.

1     7. That if any toll gatherer of the company shall ask or re-  
2 ceive any other or greater tolls than are authorized, or if any  
3 person shall pass any place where tolls are collected without  
4 payment or tender of the legal tolls to such toll gatherer, the  
5 company, and the person evading the payment in tender of  
6 the tolls aforesaid, shall be liable to the penalties prescribed in  
7 such cases by the general law regulating turnpike companies.

1     8. That if the president and directors of said company shall  
2 not commence their work within five years from the passage  
3 of this act, and complete the same within ten years thereafter,  
4 then the interest of said company in the navigation and tolls  
5 aforesaid shall be forfeited and cease.

## Senate Bill No. 25.

A BILL allowing appeals from the board of supervisors in certain cases.

*Be it enacted by the Legislature of West Virginia :*

1     1. Any applicant for relief under section one  
2 hundred of the act entitled "An Act to provide  
3 for the assessment of taxes passed December  
4 3, 1863," or under section second of the act  
5 entitled "An Act to empower the assessor to  
6 re-assess certain lands in Pleasants county,"  
7 passed March 2, 1864, may within one year  
8 from the date of any order of the board of  
9 supervisors heretofore made or hereafter to be  
10 made, denying him redress in whole or in part,  
11 appeal from such order to the circuit court of  
12 the county. The clerk of the board of super-  
13 visors shall, within ten days after notice to  
14 him of such appeal, file with the clerk of the  
15 circuit court the petition and such other origi-

16 nal papers as may have been filed with said  
17 board, in said case, together with a certified  
18 copy of all orders of the said board relating  
19 thereto, and thereupon the clerk of the circuit  
20 court shall docket said appeal.

1     2. Such appeal shall be defended by the  
2 prosecuting attorney for the county, and shall  
3 be tried in a summary way upon such evidence  
4 as either party may offer without pleading in  
5 writing. If the circuit court shall reverse the  
6 order of the board of supervisors, it shall there-  
7 upon proceed to make such order in the premi-  
8 ses as the said board should have made, and  
9 such order of the court certified by the clerk  
10 thereof shall have the like force and effect as  
11 is provided in section one hundred and two  
12 and section one hundred and three of said act,  
13 passed December 3, 1863. No costs shall be  
14 awarded by the court or paid by the State about  
15 such appeal unless the court in its discretion,

16 shall give judgment for costs against the as-  
17 sessor who made the erroneous assessment.

1     3. If at the time of the docketing of such  
2 appeal, or afterwards, the appellant shall file  
3 with the clerk of the circuit court a bond in  
4 double the amount of the taxes claimed to be  
5 erroneously entered or assessed, payable to the  
6 State of West Virginia, conditioned for the  
7 payment of said taxes with interest, in case  
8 said appeal should be finally decided against  
9 the appellant, the said clerk shall issue an  
10 order directed to the sheriff of the county com-  
11 manding him to suspend the collection of said  
12 taxes during the pendency of such appeal.

1     4. Either party may appeal from the deci-  
2 sion of the circuit court to the court of appeals.





## Senate Bill No. 26.

A BILL to regulate the salary of the reporter of the supreme court of appeals.

*Be it enacted by the Legislature of West Virginia :*

1       The reporter for the supreme court of ap-  
2 peals shall receive such sum, not exceeding  
3 one thousand dollars annually, after the first  
4 day of January 1866, as the court may deter-  
5 mine, to be paid quarterly out of the treasury  
6 of the State as other salaries are paid.



## Senate Bill No. 27.

A BILL to amend section 34 of chapter 118 of the Acts of 1863.

*Be it enacted by the Legislature of West Virginia:*

1       Section thirty four of chapter one hundred  
2 and eighteen of the acts of eighteen hundred  
3 and sixty-three is amended and re-enacted so  
4 as to read as follows:

5       34. When any building which may have been  
6 assessed shall become reduced in value one  
7 hundred dollars or more, the assessor shall  
8 deduct the amount of such reduction from the  
9 value of the building assessed against the  
10 owner, and where any building shall be either  
11 wholly destroyed or reduced to less than one  
12 hundred dollars in value, the assessor shall  
13 deduct from said assessment the amount for  
14 which such building was assessed. If the  
15 owner of any building so assessed, shall feel

16 himself aggrieved thereby, he may within twelve  
17 months after such assessment, apply to the  
18 board of supervisors of his county to have the  
19 same credited, but he shall before such applica-  
20 tion is made give notice thereof in writing to  
21 the prosecuting attorney whose duty it shall  
22 be to attend to the interests of the State and  
23 county therein. A copy of all orders made by  
24 the board of supervisors changing the assessed  
25 value of any real estate shall be certified by the  
26 clerk of such board to the Auditor and the  
27 assessor in whose district such real estate is  
28 situated. For any failure on the part of the  
29 assessor to comply with this or any of the three  
30 next preceding sections he shall forfeit fifty  
31 dollars.



## Senate Bill No. 28.

A BILL for the establishment and regulation of the West Virginia Agricultural College.

1 WHEREAS, The Congress of the United States did, by act  
2 passed on the 2d day of July, 1862, and by a subsequent act  
3 passed on the 19th day of April, 1864, donate to the State  
4 of West Virginia certain lands, (150,000 acres,) for the pro-  
5 motion of agriculture and the mechanic arts, including mili-  
6 tary tactics, within the State of West Virginia; the proceeds  
7 of which are to be invested in bonds and stocks of the United  
8 States, or stock of this State, and are to become a permanent  
9 endowment, for the purpose of maintaining an agricultural  
10 college in the said State of West Virginia, upon conditions re-  
11 cited in said acts;

12 And whereas, The Legislature of the State of West Vir-  
13 ginia did, on the 3d day of October, 1863, pass an act accept-  
14 ing the said donation, and the said land warrants having been  
15 received by the Governor, and by him sold and converted into  
16 current funds of the United States;

17 And whereas, The Board of Trustees of Monongalia Aca-  
18 demy have, by resolution passed on the 9th day of January,  
19 1866, tendered to the State of West Virginia the buildings,

20 property and funds of said Academy, by resolution, in the  
21 following words, to-wit :

22 *Resolved*, That this board tender to the Legislature of West  
23 Virginia, all the real estate and personal effects held as the  
24 property of Monongalia Academy, including the property  
25 known as “Woodburn Female Seminary,” amounting as a  
26 whole, to the following estimated value, viz :

27 Woodburn Female Seminary,.....	\$25,000
28 Monongalia Academy and Dwelling,.....	15,000
29 Cash, Bonds, Bank Stock, &c., .....	10,000
30 Library and other personal property,.....	1,000
31 Amounting to.....	<hr/> \$51,000

32 To be absolutely held and used by the State of West Virgin-  
33 ia, on the express condition that the contemplated agricultural  
34 college be located permanently at or near Morgantown, and  
35 that the funds and real estate hereby tendered, be used solely  
36 for the benefit of said college ; Therefore,

*Be it enacted by the Legislature of West Virginia :*

1 1. That the funds derived from the sale of the United States  
2 land warrants donated to this States for the purpose of endow-  
3 ing an agricultural college, be invested, by the Governor, in a  
4 loan or public stock of the United States, for the use and bene-  
5 fit of a college to be called the “Agricultural College of West

6 Virginia," endowed as aforesaid, and to be further established,  
 7 regulated and maintained according to a plan hereinafter pro-  
 8 vided for.

1    2. That this State hereby accepts the tender of the Board  
 2 of Trustees of " Monongalia Academy;" and that said college  
 4 shall be permanently located at or near Morgantown, in the  
 5 county of Monongalia, and that the sum of ——— thousand  
 6 dollars be appropriated to aid in the establishment of said  
 7 college.

1    3. That the Governor of this State shall, within thirty days  
 2 after the passage of this act, appoint nine suitable persons,  
 3 who shall constitute a Board of Visitors for said college, and  
 4 who shall have a common seal, any three of whom may consti-  
 5 tute a quorum for the transaction of ordinary business; but  
 6 for making arrangements for the erection of buildings, or per-  
 7 manent alteration of the present buildings, as well as the ap-  
 8 pointment to or removal from office of professors, the concur-  
 9 rence of a majority of the board shall be required.

1    4. When the said board, hereby constituted, shall have  
 2 served one year, two of their number, (to be determined by lot,)  
 3 shall vacate their positions, and two others on each succeeding  
 4 year shall do the same, and the remaining seven shall annually  
 5 elect from the State at large, two new members of the board

6 who shall be commissioned by the Governor. In case of death,  
 7 removal, or refusal to act, any three members of said board  
 8 may proceed to call the rest of the board together to fill such  
 9 vacancy.

1 5. That it shall be the duty of said visitors, on or before  
 2 the first Wednesday of July next, and annually thereafter, or  
 3 at such times as they may designate, to meet at the college  
 4 buildings, now known as "Woodburn Female Seminary," and  
 5 there establish such departments of education in literature,  
 6 science, art and agriculture as they may deem expedient and  
 7 as the funds under their control may warrant, and purchase  
 8 such materials, implements and apparatus as may be requisite  
 9 to proper instruction in all said branches of learning, so as to  
 10 carry out the spirit of the act of Congress aforesaid, approved  
 11 July 2d, 1862. And they shall also appoint a superintendent  
 12 who shall have general supervision and control of the property  
 13 and interests of said college, during the vacation of said board.

1 6. That said board shall establish and declare such rules  
 2 and regulations, and by-laws, as they may deem necessary for  
 3 the proper organization, tuition and good government of the  
 4 said college, and the protection of the public property belong-  
 5 ing to said college, as shall not be inconsistent with the laws  
 6 of this State, or of the United States; they shall appoint a

7 treasurer, taking bond from him, with ample security, condi-  
8 tioned for the faithful keeping and disbursing of such money  
9 herein or hereafter appropriated, and such other moneys as  
10 shall be allowed by said board to come into his hands from  
11 time to time; they shall also settle his accounts annually, or  
12 oftener, if they think best; inspect all the public property of  
13 said college, and make a full report of the condition, income  
14 expenditures and management of said college to the Governor,  
15 annually; to be by him laid before the Legislature.

1 7. Said board shall have power to create a preparatory  
2 department to said college and appoint any other professor-  
3 ship than heretofore mentioned, if the same be deemed essen-  
4 tial, fix the salaries of the several professors and of the super-  
5 intendent, and remove them for good cause; but in  
6 cases of removal, the concurrence of a majority of the  
7 board shall be required, and the reasons therefor shall be  
8 commnicated in a full written statement thereof, to the gover-  
9 nor.

1 8. Besides prescribing the general terms upon which students  
2 may be admitted, the course of their instruction, and the kind  
3 and duration of their services, (which duration shall not exceed  
4 five, nor be less than two years,) the said visitors are still  
5 further empowered to admit as the regular students or cadets



6 of said college, any number of young men, not fewer than one  
7 nor more than two from each senatorial district in this State,  
8 and who shall not be less than 16 nor more than 25 years of  
9 age ; and their admission to be made upon undoubted evidence  
10 of a fair moral character. But, should no application be made  
11 from any of said senatorial districts, then the vacancies may  
12 be filled from the State at large.

1 9. That the said students thus admitted shall be entitled to  
2 all the privileges, and annuities, educational advantages and  
3 benefits of the college free of charge for admission, tuition,  
4 books and stationery, and they shall constitute the public  
5 guard of the said college, and the public property aforesaid.  
6 And whenever the said board shall certify to the Governor  
7 that said college is ready to go into operation, and that students  
8 have been appointed and admitted as hereinbefore provided  
9 for, he shall forthwith forward to the superintendent of the  
10 said college, a sufficient number of public arms and equipments,  
11 ordinance and munitions for the use of the college, to be kept  
12 in an arsenal of the said college, set apart for the purpose.  
13 And the professor and students of said college receiving instruc-  
14 tions in military tactics and the art of war, shall be individually  
15 and collectively responsible for the preservation and safe keep-  
16 ing of said arms.

1 10. All reasonable expenses incurred by said visitors in  
2 discharging the duties hereby imposed upon them (not, however,  
3 including any wages, or *per diem* compensation) shall be allow-  
4 ed, and when admitted by the Governor, shall be, by him  
5 caused to be paid out of the treasury of the State, in like  
6 manner as all sums are drawn therefrom.

1 11. That it shall be lawful for the said board to expend so  
2 much of the appropriation herein provided as may be proper  
3 for the procuring, repairing or erecting such buildings as may  
4 be necessary for the accommodation of professors and students  
5 of said college ; said board shall be, and are hereby authorized  
6 to contract for and erect, at such time as they may deem proper  
7 and necessary, such additional buildings as may be needed ;  
8 provided, however, that such expenditures shall not exceed the  
9 sum of one thousand dollars annually, for the first five years.  
10 They may, also, expend five thousand dollars of the funds  
11 received from the trustees of the Monongalia academy in  
12 purchasing landed estate for the use of the agricultural depart-  
14 ment of said institutions, contiguous to said seminary.

1 12. That the Governor, board of visitors and faculty may  
2 graduate any student of the college, found (after proper  
3 examination) duly qualified, and shall certify the same by affix-  
4 ing the seal of the college to his diploma.

1    13. That the board of visitors, constituted as aforesaid,  
2 shall, on or before the first day of June next, accept and receive  
3 from the board of trustees of Monongalia academy, a deed or  
4 deeds for the real estate and personal property so tendered to  
5 this State, by their resolution aforesaid, to themselves, as the  
6 board of visitors of the agricultural college of West Virginia,  
7 and their successors forever, to be placed on record in the  
8 Recorder's office of Monongalia county, and then deposited in  
9 the office of the Secretary of State.

1    14. That the said board shall also have power to appoint a  
2 treasurer, who shall, after giving bond, as before provided,  
3 receive from the trustees of the Monongalia academy, all  
4 funds and securities tendered by their resolution hereinbefore  
5 recited.

## Senate Bill No. 29.

A BILL providing for the issuing of attachments  
in certain cases.

*Be it enacted by the Legislature of West Virginia :*

1     1. On affidavit at the time of, or after the  
2 institution of any suit, stating the nature of  
3 the plaintiffs claim, that it is just, the amount  
4 the affiant believes the plaintiff ought to  
5 recover, and the evidence of some one or more  
6 of the following particulars: *First*, That the  
7 defendant or one of several defendants, is a  
8 foreign corporation, or is a non-resident of the  
9 State; or, *Second*, Has absconded with intent  
10 to defraud his creditors; or, *Third*, Has left his  
11 residence in order to avoid service of process;  
12 or, *Fourth*, So conceals himself that a summons  
13 cannot be served upon him; or, *Fifth*, Is remov-  
14 ing or about to remove his property, or a part  
15 thereof, out of the State with the intent to  
16 defraud his creditors; or, *Sixth*, Is converting,

17 or about to convert, his property or a part  
18 thereof into money or securities, with like  
19 intent; or, *Seventh*, Has assigned, disposed of  
20 or removed his property or a part thereof, or is  
21 about to do so, with like intent; or, *Eighth*,  
22 Has property or rights in action which he  
23 conceals; or, *Ninth*, Fraudulently contracted the  
24 debt or incurred the liability for which the  
35 suit is about to be, or has been brought, the  
26 plaintiff may forthwith sue out of the clerks office  
27 an attachment against the estate of such  
28 defendant, or defendants, for the amount so  
29 stated.

1    2. Such attachment shall be issued, and  
2 subsequent proceedings had thereon, in confor-  
3 mity with chapter one hundred and fifty one  
4 of the code of Virginia, second edition.



## Senate Bill No. 30.

A BILL to alter part of the division line between the Counties of Upshur and Barbour.

*Be it enacted by the Legislature of West Virginia :*

1     1. That the division line between the coun-  
2 ties of Barbour and Upshur, running from the  
3 Middle Fork to the Buckhannon river, is here-  
4 by so altered as to run a straight line from  
5 Woodley's mills, on the Middle Fork, to the  
6 mouth of Handy Camp run where it enters in-  
7 to the Buckhannon river, and thence down the  
8 Buckhannon river to the line dividing the  
9 counties of Upshur and Barbour, and so much  
10 of the county of Upshur as lies to the north of  
11 said extension, is hereby annexed to and made  
12 part of the county of Barbour.

1     2. The annexation herein provided for shall  
2 not be of force until the county surveyors of  
3 the counties of Upshur and Barbour, jointly

4 survey and mark out said extensions, and  
5 make three fair plats thereof, each of which  
6 they shall duly certify, and forward one to the  
7 Secretary of the State, another to the recorder  
8 of Barbour county and the third to the recorder  
9 of the county of Upshur, who shall file and  
10 carefully preserve the same in their respective  
11 offices, which it shall be the duty of said surveyors  
12 to do within six months from the passage  
13 of this act.

1     3. The account of the said surveyors for their  
2 fees and expenses incurred under the provisions  
3 of this act, shall be audited by the board  
4 of supervisors of Barbour county, and paid out  
5 of the treasury of the county of Barbour.

## Senate Bill No. 33.

A BILL concerning the Rail Roads of this State.

*Be it enacted by the Legislature of West Virginia:*

1     1. That it shall not be lawful for any railroad company  
2 chartered by the Legislature of this State, or operating directly  
3 or indirectly within the same, and a charter granted elsewhere,  
4 to exact, charge or receive, from any citizen of this State, any  
5 higher, greater or other compensation for the transportation of  
6 passengers, tonnage, freight or other service performed or to be  
7 performed, than such average rate per mile, as may be establish-  
8 ed for any other distance on such road or connecting road, for  
9 like service by railroad or water line; it being the intention  
10 of this act, that there shall be a uniformity of charges per  
11 mile by all the roads in this State, for all transportation or  
12 other service performed by such road for itself or under any  
13 contract or arrangement with any other road or water line.  
14 Any railroad company violating the provisions of this section  
15 shall forfeit and pay to the person injured or his personal  
16 representative, ten times the amount of money exacted or  
17 received in excess of the rates hereby authorized to be  
18 recovered with costs, before a justice of the peace, or upon

19 motion after ten days previous notice in any court of record in  
20 this State.

1     2. Any railroad company chartered by this State, or opera-  
2     ting within the same under a charter granted elsewhere, shall  
3     be, and the same is hereby authorized and empowered to [con-  
4     tract with any connecting railroad, steamboat or water line,  
5     for the transportation of passengers, freight, tonnage and the  
6     public mail, and for the cars, machinery, depots, building  
7     water stations and other property, to be used in common by  
8     the railroads so connecting, and contracting upon such terms,  
9     and under such regulations, not inconsistent with the provisions  
10    of the first section of this act, as may be agreed upon between  
11    the companies so contracting; but no railroad company, so  
12    contracting, shall be authorized to put upon any other road,  
13    the motive power, passenger, freight, stock, mail or other cars,  
14    belonging to any other road, without the authority obtained  
15    under the provisions, and in pursuance of this act.

1     3. The Baltimore and Ohio railroad company is hereby  
2     authorized to subscribe to the capital stock of the North  
3     Western Virginia railroad company, and to purchase and hold  
4     stock already subscribed, and to buy, hold or guarantee the  
5     bonds of said last mentioned company, and to buy and hold,

6 and be possessed of the franchises and property of the said last  
7 mentioned company.

1 4. As a condition upon which the persons and privileges  
2 contained in the second and third sections of this act are  
3 granted, and without which they are hereby prohibited, the  
4 North Western Virginia rail road company shall cause to be  
5 constructed, the branch of said road from Clarksburg in Harri-  
6 son county, to Weston in Lewis county, as now authorized by  
7 law, to be completed by the first day of July 1867, and the  
8 said company shall keep and maintain passenger cars thereon,  
9 to be run as often, and in the same manner that cars are kept  
10 and run on the main line.

1 5. In order to secure the faithful execution of this act, and  
2 to protect the interests of the citizens of this State, it shall be  
3 lawful and the duty of the board of public works to appoint  
4 one third of the directors which may at any time be authorized  
5 for any railroad operating in this State, which directors when  
6 so appointed, shall possess and exercise concurrent and equal  
7 powers in the management of the companies business, as may  
8 be allowed to any equal number of directors of any company  
9 which may be elected or appointed otherwise.

1 6. The board of public works shall have power to consent to  
2 any modification from time to time of the tariff of rates for the



3 transportation of passengers, freight or tonnage over any rail  
4 road in this State, but no such modification shall be consented  
5 to without first securing the fulfillment of the provisions of  
6 this act.

## Senate Bill No. 34.

A BILL relieving certain counties from taxes.

1 WHEREAS, The counties of Cabell, Wayne,  
2 Boone, Logan, Wyoming, McDowell, Mercer,  
3 Webster, Pocahontas, Greenbrier, Monroe, Ral-  
4 eigh and Fayette have been in the possession  
5 of the rebels during the late war; and whereas,  
7 the above named counties have had to pay a  
8 heavy tax on all they possessed, and also one-  
9 tenth of all they produced to the rebel govern-  
10 ment; and whereas, many of the plantations  
11 have been laid waste by the contending  
12 armies; Therefore,

*Be it enacted by the Legislature of West Virginia:*

1 The above named counties are hereby ex  
2 empted from the payment of back taxes for the  
3 years of 1861-2-3-4, that might otherwise be  
4 due to the State of West Virginia.



## Senate Bill No. 35.

A BILL to amend and re-enact section six of an act entitled "An Act concerning licenses," passed November 2th, 1863.

*Be it enacted by the Legislature of West Virginia:*

1     Section six of an act entitled "An Act con-  
2     cerning licenses," passed November 28, 1863,  
3     is amended and re-enacted so as to read as  
4     follows :

5     "6. Upon credible complaint, in writing, or  
6     on his own knowledge of any breach of the  
7     condition of such bond as is mentioned in the  
8     fifth section, the prosecuting attorney of the  
9     county shall, by motion in the circuit court,  
10    recover the penalty of such bond, and the per-  
11    son committing such breach shall forfeit his  
12    license and be forever disqualified from obtain-  
13    ing a license under the said fifth section, within  
14    this State.





## Senate Bill No. 36.

A BILL to encourage immigration into West Virginia.

1 WHEREAS, next in public importance to the settlement of  
2 the titles, is a speedy settlement of the vast portions of un-  
3 improved lands in the State, with a population and capital that  
4 shall develop and render productive their agricultural, mineral  
5 and other resources; and whereas, individual enterprise if  
6 properly encouraged will do it far better than the State; and  
7 it being manifest that the accomplishment of so great and  
8 desirable an object advantageously, will require large associa-  
9 tions of enterprising men and capital, which it will be difficult  
10 to secure, unless the privileges and the protection against  
11 individual liability which certificates of incorporation under  
12 said act give, be extended to them with a right to hold and  
13 dispose of, for profit or other motive, more land than is now  
14 allowed by law; therefore,

*Be it enacted by the Legislature of West Virginia:*

1 1. That the provisions of the act aforesaid be extended to  
2 associations, which shall consist of at least the number of  
3 persons required by said act; that shall be formed in accord-  
4 ance with the provisions thereof, for the purpose of introducing

5 immigrants and capital into the State, preparing the lands for  
6 settlement, settling the same and developing the resources  
7 thereof, with power to purchase and hold by title, legal or equita-  
8 ble lands for the purpose of re-sale, for profit or other purpose,  
9 if done in furtherance of the objects of this act, provided it  
10 shall hold not more than 3,000 acres of improved, nor more  
11 than 100,000 acres of unimproved land at one time.

1     2. A certificate of incorporation under the 9th section of the  
2 act aforesaid shall invest such association with all the general  
3 rights and powers conferred by the provisions of said act, and  
4 subject to the general duties and restrictions not inconsistent  
5 herewith, which it imposes, and shall continue for 20 years  
6 unless sooner terminated for the causes specified in said act,  
7 with power to establish its principal office or place of business  
8 in any part of the United States, with branches any where in  
9 the country as may best subserve its purpose and convenience,  
10 provided its principal office or one of its branches shall be in  
11 this State.

1     3. Such portions of the aforesaid act passed the 26th day  
2 of October 1863, as are inconsistent with this act are repealed.

Senate Substitute for House Bill No. 37.

A BILL prescribing how the general school fund shall be apportioned to certain counties in the year 1866.

*Be it enacted by the Legislature of West Virginia :*

1     1. The Auditor in the next apportionment  
3 of the general school fund, shall apportion to  
4 the counties of Putnam, Pleasants, Wirt, Wood,  
5 Monongalia, Randolph and Gilmer, in addition  
6 to their share of such fund this year, such  
7 portion thereof, as they would have been en-  
8 titled to receive in the year 1865, had they  
9 then made full returns of the number of school  
10 children in their respective counties, such ap-  
11 portionment shall be made upon the enrollment  
12 of the present year.

1     2. The superintendent of the counties afore-  
2 said, are hereby required to apportion to such  
3 townships in their counties, in addition to their  
4 share of the school fund this year, such portion  
5 as they would have been entitled to receive in  
6 1865, had they made return according to law.



## Senate Bill No. 38.

A BILL to repeal the 9th section of “An Act defining the powers and duties of recorders in relation to Wills and Fiduciaries,” passed September 3, 1863.

*Be it enacted by the Legislature of West Virginia :*

1       The 9th section of chapter 36 entitled “an  
2 act defining the powers and duties of recorders  
3 in relation to Wills and Fiduciaries,” passed  
4 September 3d, 1863, is hereby repealed.





## Senate Bill No. 39.

A BILL constituting the bank of certain streams in Morgan county, West Virginia, a lawful fence.

*Be it enacted by the Legislature of West Virginia :*

1     1. The south bank of the Potomac river in  
2 the county of Morgan from the mouth of Cherry  
3 run to the mouth of Sleepy creek, and also the  
4 east <sup>\*</sup> bank of Sleepy creek from its mouth to  
5 the south side of the Baltimore and Ohio rail  
6 road, in the limits of said county, are hereby  
7 constituted a lawful fence.

1     2. The owners or occupiers of lands bordering  
2 on said river and within said county of Morgan  
3 need not keep up fences along the bank of said  
4 river or creek, except where public crossings  
5 or public roads running parrallel therewith  
6 shall require it.

1     3. This act shall be and remain in force from  
2 and after the first day of March, 1866.



## Senate Bill No. 40.

A BILL to authorize Adam Kuhn and others to sink a coal shaft in the town of Wellsburg, and for other purposes.

1 WHEREAS, it has been represented to this Legislature that  
2 Adam Kuhn, John Tweed and Samuel George, have procured  
3 from almost all the owners of real estate of the town of Wells-  
4 burg in the county of Brooke, the right to mine for, obtain and  
5 take away all the subterranean strata of coal, so procured and  
6 underlying said town, and being desirous of enlarging the area  
7 of their aforesaid coal privilege, which at present is very  
8 limited, ask this Legislature to grant them the right to mine  
9 for and procure all the coal underlying the Ohio river from a  
10 point in the said river opposite the mouth of Buffalo creek to  
11 a point up said river opposite the division line between the  
12 lands of Wm. Briggs and the heirs of Wm. Tarr, deceased.  
13 And further desiring to sink a shaft, and erect necessary  
14 buildings, machinery and fixtures for the successful mining of  
15 said coal, and taking care of the same, and also to construct a  
16 rail tram or other suitable road, to convey and transport the  
17 said coal to the Ohio river on such street or streets of the said  
18 town as may be agreed upon between them and the trustees of  
19 said town, and in connection herewith, and by consent of said

20 trustees to build or construct, at the junction of said street or  
 21 streets with the said river, a wharf or wharves, abutment or  
 22 abutments, pier or piers as they may deem proper for the  
 3 convenient and safe shipment of their coal obtained as afore-  
 24 said; and for the use and occupancy of the aforesaid wharf or  
 25 wharves, abutment or abutments, pier or piers and the harbor  
 26 or harbors made thereby, for the shipment of their coal as  
 27 aforesaid, and the safety of their boats and other vessels used  
 28 and employed in shipping said coal, and whereas, it has been  
 29 also represented to this Legislature that the aforesaid work  
 30 and privilege would greatly increase the value of the real estate  
 31 of the said town and neighborhood, and add greatly to the  
 32 business facilities of the said town; Therefore,

*Be it enacted by the Legislature of West Virginia:*

1    1. That Adam Kuhn, John Tweed and Samuel George, and  
 2 such others as they may associate with them, and their legal  
 3 representatives, may mine for, and take away all the coal  
 4 underlying the Ohio river from a point in said river opposite  
 5 the mouth of Buffalo creek in the county of Brooke, to a point  
 6 up said river opposite the dividing line between the lands of  
 7 Wm. Briggs and the heirs of Wm. Tarr, deceased, in said  
 8 county.

1    2. That the aforesaid Adam Kuhn, John Tweed and Sam'l



2 George, and such others as they may hereafter associate with  
 3 them and their legal representatives, having first obtained the  
 4 consent of the trustees of the town of Wellsburg in said county  
 5 of Brooke, may sink a shaft in said town on their own lands,  
 6 and erect necessary buildings, machinery and fixtures thereon,  
 7 for the successful mining of, taking care of, and shipping or  
 8 conveying to market all such coal as is embraced in the first  
 9 section of this act, and such other coal as they have, or may  
 10 procure by purchase or otherwise.

1     3. It shall be lawful for the aforesaid Adam Kuhn, John  
 2 Tweed and Samuel George, and such others as they may  
 3 associate hereafter with them, and their legal representatives,  
 4 to construct from their aforesaid coal shaft, a rail tram or  
 5 other suitable road to the Ohio river, on any street or streets  
 6 of the said town, for the purpose of carrying or transporting  
 7 the coal obtained as aforesaid, to the said river, and to build a  
 8 wharf or wharves, abutment or abutments, pier or piers at the  
 9 mouth or junction of said street or streets with said river, and  
 10 to erect thereon such platforms, tipples and fixtures as may be  
 11 necessary for the convenient shipment of coal, and to use and  
 12 occupy such harbor or harbors, as may be made by the aforesaid  
 13 wharf or wharves, abutment or abutments, pier or piers for the  
 14 shipment of their coal, and safety of their boats and vessels

15 employed by them in shipping said coal, provided however,  
16 that the construction and use of the said rail tram or other  
17 road as aforesaid, do not materially obstruct or interfere with  
18 the crossings of any other street or streets of said town run-  
19 ning at right angles with the street or streets on which such  
20 road or roads as aforesaid, may be constructed, and provided  
21 also, that the street or streets so used by them as aforesaid  
22 shall only be, by them so occupied, by their said road, as to  
23 leave sufficient room on each side of said rail tram or other  
24 road as aforesaid, for the passage of a wagon and travelers,  
25 and provided further, that before they are entitled to the benefits  
26 of this section they shall first obtain the consent of the trustees  
27 of the said town of Wellsburg.

1 4. It shall be lawful for the trustees of the said town, a  
2 majority of them concurring, to give their consent to the afore-  
3 said parties for the privileges embraced in the two preceding  
4 sections of this act, and to mine for and take away such coal  
5 found in the subterranean strata underlying the streets and  
6 alleys of said town.

## Senate Bill No. 41.

A BILL to relieve judgment debtors.

*Be it enacted by the Legislature of West Virginia :*

1     1. In all cases where judgments had been  
2 rendered and executions issued by any of the  
3 courts of Virginia, the jurisdiction of which  
4 extended to any of the counties now embraced  
5 in the State of West Virginia, and which had  
6 been levied upon property rendered valueless  
7 by the issues growing out of the rebellion, and  
8 it being shown that such property was by the  
9 force of the judgment rendered and execution  
10 levied, under the control or in the custody of  
11 any sheriff, constable or other officer of the  
12 courts of the State of Virginia, the same shall  
13 not be renewed by any of the courts of this  
14 State, nor shall any other property remaining  
15 to the judgment debtor, if he be a citizen of  
16 this State, be liable under said judgment,

17 provided, that it be shown to the satisfaction  
18 of the court that the property so levied on was  
19 sufficient at the time to satisfy such executions.

1     2. If the property levied<sup>u</sup>on was not, in the  
2 opinion of the court, sufficient to satisfy judg-  
3 ments and costs, the court shall appoint a  
4 commissioner to assess the value of such prop-  
5 erty at the time the levy was made, who shall  
6 summon before him competent testimony, and  
7 make report to the next term of the court, or  
8 the judge in vacation, and if it shall appear  
9 that the property levied on was not sufficient  
10 to satisfy judgment and costs, the court shall  
11 renew the judgment for such deficiency.

1     3. Nothing in this act shall deprive the  
2 plaintiff from process against the sheriff, consta-  
3 ble or other officer, and their sureties for the  
4 recovery of claims in their hands.

## Senate Bill No. 43.

A BILL better to provide for the distribution of the Acts.

*Be it enacted by the Legislature of West Virginia :*

1     1. The recorder of each county shall, annual-  
2 ly, within ten days after the qualification accord-  
3 ing to law, of county and township officers,  
4 chosen at the regular elections, evidence of  
5 whose qualification is filed in his office, make  
6 and transmit to the Secretary of the State a  
7 certified list of all such officers, setting forth  
8 the name and officer of each, and the name of  
9 the township, in the case of a township office.

1     2. The acts to which the officers within a  
2 county may be entitled shall be forwarded to  
3 the recorder thereof; and shall be delivered by  
4 him to the several officers entitled to them.  
5 The recorder may be required to receipt for  
6 said acts, and may require receipts from those  
7 to whom he delivers them.

1     3. All acts, codes, or other documents  
2 furnished to officers by authority of law, shall  
3 be the property of the office, and be delivered  
4 by each officer to his successor.





## Senate Bill No. 44.

A BILL making an appropriation for the Antietam National Cemetery, near Sharpsburg Maryland.

*Be it enacted by the Legislature of West Virginia :*

1     1. The sum of sixteen hundred and seventy  
2 two dollars and forty four cents, is hereby ap-  
3 propriated to aid in the purchase, permanent  
4 enclosure and adornment of the ground of the  
5 Antietam National Cemetery near Sharpsburg  
6 Maryland.

1     2. The amount hereby appropriated shall be  
2 subject to the order of the Governor, and the  
3 whole or any part thereof may be paid by him  
4 if required, for the purpose named in the first  
5 section of this act to the Treasurer of the  
6 Antietam National Cemetery.



# Senate Bill No. 45.

A BILL to prevent intoxication.

*Be it enacted by the Legislature of West Virginia:*

1     1. Any person who shall drink to intoxication, any spiri-  
2     tous liquor or intoxicating drink of any kind, and who, while  
3     under the influence of such intoxication, shall openly appear  
4     in any street, road, highway or public place, or while under  
5     such influence shall use any profane or obscene word, or threat-  
6     ning or abusive word to any one, such person shall for every  
7     such offence be fined not less than thirty nor more than one  
8     hundred dollars.

1     2. Any person who by persuading or otherwise, shall in-  
2     fluence any one to drink to intoxication any drink mentioned  
3     in the preceding section, such person shall for every such of-  
4     fence be fined not less than thirty nor more than one hundred  
5     dollars, and be confined in jail not less than one nor more than  
6     six months.

1     3. Any person knowing of any violation of either of the two  
2     preceding sections, and who shall fail to report the same to  
3     some justice or other conservator of the peace, he shall be fined  
4     not less than thirty nor more than one hundred dollars.

1     4. It shall be the duty of such justice or other conservator

2 of the peace, when such report is made to him as is mentioned  
3 in the preceding section, by warrant directed to and executed  
4 by any constable of the county wherein the offence is commit-  
5 ted, or any one deputised by the officer issuing the said warrant  
6 to cause the person or persons against whom such report is  
7 made, to be arrested and brought before him, who on being  
8 satisfied of the guilt of the person so arrested and brought  
9 before him, to commit or recognize him for trial in the circuit  
10 court of the county wherein the offence is committed, and also  
11 to bind him in a sufficient sum to keep the peace and be of  
12 good behavior for one year, the officer shall recognize or cause  
13 to be summoned such witnesses as he may deem proper, The  
14 said warrant and recognizances shall be returned forthwith to  
15 the clerk of said court.

1     5. Any person who shall be recognized as prescribed in the  
2 preceding section, and who shall fail in any wise to comply  
3 with the condition of such recognizance he shall in addition to  
4 paying the penalty therein prescribed, be forever prohibited  
5 from entering into a recognizance under any section of this act  
6 and he shall be confined in jail during the time mentioned in  
7 said recognizance, in which he is bound to keep the peace, and  
8 be of good behavior.



## Senate Bill No. 46.

A BILL to amend the 6th section of chapter 118,  
of the acts of 1863.

*Be it enacted by the Legislature of West Virginia :*

1        That the 6th section of chapter 118, of the  
2 acts of 1863, entitled "An Act providing for  
3 the assessment of taxes, defining the duties of  
4 recorders, passed December 3d, 1863, shall be  
5 amended so as to read as follows :

6        The recorder of any county shall, annually,  
7 in the month of January make out an alpha-  
8 betical list of all deeds for the partition and  
9 conveyance of land (except deeds of trust and  
10 mortgages to secure the payment of debt,)   
11 which may have been lodged in his office to be  
12 recorded, (including those not fully proven,)   
13 within the year ending on the thirty-first day  
14 of December preceding, which list shall state  
15 the date of the deed, when admitted to record,  
16 names of grantors and grantees, the quantity  
17 of land conveyed and a description of the same  
18 before placing said lists in the hands of the  
19 assessor.



## Senate Bill No. 47.

A BILL relating to the schools of Wheeling and parts of townships connected therewith.

*Be it enacted by the Legislature of West Virginia:*

1     1. The city of Wheeling and parts of townships connected  
2 therewith, shall constitute but one school district, to be known  
3 as the school district of Wheeling, the board of education  
4 thereof shall consist of three commissioners from each of the  
5 townships of the district, to be elected by the qualified voters  
6 thereof, in conformity with the provisions of the second section  
7 of "An Act for the establishment of a system of free schools,"  
8 passed December 10th, 1863. The official term of all the  
9 commissioners elected under this act, shall commence on the  
10 first day of July next succeeding the time of their election.

1     2. It shall be the duty of the township clerk, in each of the  
2 townships constituting the school district of Wheeling, to  
3 notify the commissioners of their respective townships of their  
4 election, and within ten days after said notice shall have been  
5 given, it shall be the duty of each of said commissioners to  
6 qualify by subscribing to the following oath: "I. A. B., do  
7 solemnly swear that I will faithfully perform the duties of school  
8 commissioner of the school district of Wheeling, during the  
9 term for which I have been elected, to the best of my ability,  
10 according to law, so help me God." The township clerk is

11 authorized to administer said oath, a copy of which shall be  
12 kept by him upon the files of his office.

1 3. Any vacancy which may occur in the office of school  
2 commissioner, by death, resignation, refusal to serve, or other-  
3 wise, shall be filled by the board of education of the district,  
4 at their first regular meeting thereafter, by the appointment  
5 of a suitable person, who shall hold his office until the next  
6 annual township election, when a commissioner shall be elected  
7 for the unexpired term.

1 4. The commissioners duly elected and qualified, shall hold  
2 their first meeting on the first Monday in July, at 7 o'clock  
3 p. m., in the room of the first branch of the city council; (or  
4 should there be a meeting of the city council at said time, on  
5 the first evening thereafter when the council shall not be in  
\* 6 session,) at which time the board shall be organized by the  
7 election, by the members present, if there be ten or more, of  
8 one of their number for president, and one for clerk of the  
9 board, both the president and clerk, being members of the  
10 board by virtue of their election as commissioners, shall be  
11 allowed to vote upon all questions submitted to the decision of  
12 the board.

1 5. The president shall perform all the duties which ordina-  
2 rily devolve upon the presiding officer of a deliberative body.  
3 In his absence a president *pro tem.* may be chosen.

1 6. The clerk shall record in a book, to be provided for the  
2 purpose, all the official acts and proceedings of the board,  
3 which shall be a public record, open to the inspection of all

4 persons interested therein. He shall preserve in his office all  
 5 papers containing evidence of titles, contracts and obligations ;  
 6 and in general shall record and keep on file in his office, all  
 7 such papers and documents, as may be required by any of the  
 8 provisions of this act, or by order of the board of education,  
 9 for his services he may receive such compensation as the board  
 10 of education may allow. In his absence the board may appoint  
 11 a clerk *pro tempore*.

1 7. The board of education may hold stated meetings at such  
 2 times as they may appoint, not less than ten members being  
 3 required to constitute a quorum for the transaction of business.  
 4 Special meetings may be called by the president, or, at request  
 5 of ten members of the board, by the clerk, on giving one day's  
 6 notice of the time of holding the same, the room occupied by  
 7 the first branch of the city council may be occupied for the  
 8 meetings of the board, provided that said meetings shall be  
 9 held at such times as not to conflict with council meetings.

1 8. Each township of the school district of Wheeling shall  
 2 constitute a sub-district, and in each sub-district there shall be  
 3 established by the board of education, at least one grammar  
 4 school and one graded primary school. In the primary school  
 5 shall be taught orthography, reading, penmanship and geogra-  
 6 phy to such extent as the district superintendent of schools,  
 7 with the approval of the board of education, may prescribe.  
 8 In the grammar schools, English Grammar and United States  
 9 History shall be taught in addition to the branches named for  
 10 the primary schools. No pupil shall be allowed to enter a



11 grammar school who shall not have completed the course pre-  
 12 scribed for a primary school. In the grammar schools the  
 13 course shall be thorough and complete in the branches named.  
 14 The board may have power to establish one high school for the  
 15 district, in which shall be taught all the branches usually  
 16 taught in the best academies in the country. But no person  
 17 shall be allowed to enter said high school as a pupil, who shall  
 18 not first pass a thorough examination in the branches prescrib-  
 19 ed for a grammar school. Until said high school shall be  
 20 established, the board may make provision to have the higher  
 21 branches of mathematics, and natural sciences, and literature  
 22 taught in the grammar schools of the district.

1 9. Admission to the various schools of the district shall be  
 2 gratuitous to all white children, wards and apprentices of ac-  
 3 tual residents within the district between the ages of six and  
 4 twenty-one years, provided that the admission of pupils, resi-  
 5 dents of one sub-district to the schools of another sub-district  
 6 shall be at the option of the district superintendent, upon the  
 7 payment of such tuition as the board of education may deter-  
 8 mine, not to exceed one dollar per term of twelve weeks. Non-  
 9 residents of the district may be allowed to attend the schools  
 10 of the district upon such terms as the district superintendent,  
 11 with the approval of the board of education, may prescribe.

1 10. Schools for colored children shall be established in ac-  
 2 cordance with the provisions of the seventeenth section of the  
 3 general school law of the State, (as amended 1865.)

1 11. The board of education shall have power to make and

2 enforce rules for the exclusion of children from the schools of  
 3 the district, whose attendance would be dangerous to the  
 4 health, or detrimental to the morals or discipline of the schools.  
 5 The board may make all necessary rules and regulations for  
 6 the government of the schools; for the admission of pupils  
 7 therein; may prescribe class-books for use in all the schools  
 8 of the district, and may furnish such for the use of indigent  
 9 children in attendance at the schools. The board may furnish  
 10 all necessary apparatus, stationery, registers, text-books and  
 11 books of reference for the use of teachers, and incur all other  
 12 expenses necessary to make the system efficient for the pur-  
 13 poses for which it was established, and pay the same from the  
 14 school funds of the district.

\* 1 12. In order that the district may draw its quota from the  
 2 State school fund, the board shall cause an enumeration of  
 3 youth to be taken in accordance with the sixth section of the  
 4 general school law; and report thereof shall be made by the  
 5 district superintendent to the State Superintendent of schools.  
 6 The provisions of section 37 (as amended Feb. 25, 1865,) of  
 7 the general school law, shall apply to the district of Wheeling  
 8 in common with other parts of the State.

1 13. The State Superintendent, in his report to the auditor,  
 2 shall specify separately the results of the enumerations of  
 3 youths in the school district of Wheeling and the rest of Ohio  
 4 county. And the auditor in apportioning money for school  
 5 purposes shall apportion to the district of Wheeling and the  
 6 rest of Ohio county separately, according to their respective

7 numbers of youth, as shown in the list furnished by the State  
8 Superintendent. And said superintendent shall draw his re-  
9 quisition upon the auditor in favor of the treasurer of the city  
10 of Wheeling, for such amount as the district is entitled to re-  
11 ceive according to the apportionment of the auditor, and at  
12 same time shall notify the district superintendent of said  
13 amount.

1 14. It shall be the duty of the board of education, annual-  
2 ly, in the month of July, to determine, as nearly as practica-  
3 ble, the amount of money necessary in addition to all other  
4 available funds, to continue the schools of the district for a  
5 term not less than nine months, and for all other purposes  
6 relating to the schools of the district, such as the repairing  
7 and improvement of school premises, the purchase of sites and  
8 the building of school houses, the payment of debts previously  
9 contracted; and they shall cause the amount to be assessed on  
10 all the taxable property of the district; and the same shall be  
11 levied and collected in the same manner, and by the same offi-  
12 cers as the county levies are made and collected. The amount  
13 thus collected shall be certified by the collecting officer to the  
14 district superintendent of schools, and shall be paid over to the  
15 treasurer of the city of Wheeling, upon the order of said dis-  
16 trict superintendent. The treasurer of the city of Wheeling  
17 shall act as treasurer of all school funds accruing to the dis-  
18 trict from any source whatever. Said treasurer, before receiv-  
19 ing any school moneys, shall give bond with security, approved  
20 by the board of education, in such amount as shall be named

21 by said board, which bond shall be filed with the clerk of the  
 22 city. And upon the forfeiture of said bond, it shall be the du-  
 23 ty of said clerk to prosecute and collect from said treasurer  
 24 and his securities, the amount named in the bond for the use  
 25 of the schools of the district. The treasurer shall receive one  
 26 per cent upon all school moneys received and disbursed by  
 27 him.

1 15. No money shall be paid out by the district treasurer ex-  
 2 cept on a draft signed by the clerk of the board of education,  
 3 and specifying on its face the particular account to which the  
 4 same is chargeable ; nor shall any credit be allowed to the  
 5 treasurer in his annual settlement with the district superinten-  
 6 dent, upon any voucher except such draft.

1 16. On the fourth Thursday of April next, and every two  
 2 years thereafter, on the day of holding township elections, the  
 3 voters of the school district of Wheeling shall elect a superin-  
 4 tendent of schools for said district, whose term of office shall  
 5 be for two years, to commence on the first day of July suc-  
 6 ceeding said election ; and he shall continue in office until his  
 7 successor is elected and qualified. He shall, before entering  
 8 upon the duties of his office, execute a bond, before the recor-  
 9 der of Ohio county, in the sum of five hundred dollars, with  
 10 approved security, in which bond he shall be liable in any  
 11 court having jurisdiction to the board of education of the dis-  
 12 trict for losses sustained by reason of his neglect or non-per-  
 13 formance of duties imposed by this act. Said bond shall be  
 14 filed in the office of the recorder, who shall within five days,

15 certify to the state superintendent of schools, the name of said  
16 district superintendent.

1 17. The district superintendent of schools shall be liable to  
2 removal by the board of education, for any palpable violation  
3 of law or omission of duty. But he shall not be removed un-  
4 less charges shall be preferred to the board, and notice of the  
5 hearing, with a copy of the charges delivered to such superin-  
6 tendent, and opportunity given him to be heard in his defence.  
7 When the office shall become vacant from any cause, before  
8 the expiration of the term for which the superintendent shall  
9 have been elected, the board of education may fill the same by  
10 appointment, until the next regular township election; at  
11 which election a superintendent shall be elected by the voters  
12 of the district.

1 18. The district superintendent shall perform such duties  
2 with relation to the schools of the district, as are in general  
3 required of county superintendent's in section 20 and 21 (as  
4 amended 1865,) of the general school law of the State. He  
5 shall make such report to the State Superintendent, of the  
6 character and financial condition of the schools of the district  
7 as may be necessary, in order to secure to the district her  
8 quota of the State school fund. He shall make report to the  
9 board of education as often as once in each quarter, of the  
10 operations and condition of the schools of the district; and as  
11 an officer of the board of education, he shall perform such other  
12 duties as the board may from time to time require. He shall



13 receive for his services such compensation as the board may  
14 allow.

1 19. Sections 47, 49 and 50 of the school law passed Decem-  
2 ber 10th, 1863, (amended 1864-5,) shall be applicable to the  
3 district of Wheeling.

1 20. The treasurer of the district, shall annually in the  
2 month of July, settle with the district superintendent, in like  
3 manner as prescribed for township treasurers in section 42  
4 (as amended 1865) of the general school law, and at the expira-  
5 tion of his term, said treasurer shall deliver over to his succes-  
6 sor in office, all books and papers, with all money or other  
7 property in his hands belonging to the school district, and  
8 take receipt therefor, which he shall deposit with the clerk of  
9 the city within ten days thereafter.

1 21. The board of education of the district of Wheeling,  
2 shall be a body corporate, and shall have the power to sue and  
3 be sued, to purchase, receive, hold and convey real and person-  
4 al property for the school purposes of the district. The title  
5 to all the school property of the district, both personal and real  
6 which has heretofore been held by the school commissioners of  
7 the city of Wheeling, or the school commissioners of Ohio  
8 county, or by any previous board of public school officers, shall  
9 be deemed to be vested in the board of education of the school  
10 district of Wheeling.

1 22. Teachers for the grammar and primary schools may be  
2 employed by the commissioners of the respective townships,  
3 subject to the approval of the board of education. When a

4 high school for the district shall have been established, the  
5 teachers for the same shall be appointed by the board of  
6 education. The board of education may appoint two compe-  
7 tent persons to act with the district superintendent as an  
8 examining committee. It shall be the duty of said committee  
9 to examine all applicants for positions as teachers, and to issue  
10 certificates of qualification in accordance with the scheme of  
11 grading laid down in section 35, of the general school law  
12 passed December 10, 1863, amended 1864-5. No certificate  
13 shall be granted to any applicant who shall fail to furnish  
14 satisfactory evidence of good moral character, and loyalty to  
15 the government of the United States and the State of West  
16 Virginia, said committee may hold stated meetings at such times  
17 and places as they may deem advisable, or as may be appoin-  
18 ted by the board of education. The board of education may  
19 prescribe the branches of study upon which teachers shall be  
20 required to undergo examination for the several schools of the  
21 district.

1 23. Teachers shall be subject, in all respects, to the rules  
2 and regulations adopted by the board of education; and they  
3 may be removed by the board for incompetency, or grossly  
4 immoral conduct, upon complaint of the superintendent.

1 24. No provisions of the general school law of the State  
2 shall apply to the school district of Wheeling, except those  
3 referred to in this act.

1 25. All laws and acts heretofore existing, in any manner  
2 inconsistent with the provisions of this act, are hereby repealed.





## Senate Bill No. 50.

A BILL for the benefit of married women in insuring the lives of their husbands.

*Be it enacted by the Legislature of West Virginia :*

1    1. It shall be lawful for any married woman, by  
2 herself, and in her name, or in the name of any  
3 third person, with his assent, as her trustee, to  
4 cause to be insured, for her sole use, the life of  
5 her husband for any definite period, or for the  
6 term of his natural life; and in case of her  
7 surviving her husband, the sum or net amount  
8 of the insurance becoming due and payable  
9 by the terms of the insurance, shall be  
10 payable to her, to and for her own use, free  
11 from the claims of the representatives of the  
12 husband, or of any of his creditors; but such  
13 exemption shall not apply where the amount  
14 of premium annually paid out of the funds or  
15 property of the husband shall exceed two  
16 hundred dollars.

1    2. The amount of the insurance may be made  
2 payable, in case of the death of the wife before  
3 the decease of her husband, to his or to her  
4 children, for their use, as shall be provided in  
5 the policy of insurance, and to their guardian,  
6 if under age.





## Senate Bill No. 51.

A BILL to abolish the office of County Treasurer.

*Be it enacted by the Legislature of West Virginia:*

1     1. The office of county treasurer is abolished.

2     2. The sheriff of the respective counties shall  
3 perform the duties heretofore devolved by law  
4 on the county treasurers. All orders required  
5 under existing laws to be drawn by the  
6 boards of supervisors on the county treasurers  
7 shall be drawn on the sheriffs, and all debts  
8 or allowances due from any county shall be  
9 paid by the sheriff thereof.

1     3. The boards of supervisors shall make set-  
2 tlements with the county treasurers before the  
3 next annual county levies are laid, and make  
4 such disposition of any money due from them  
5 as may be just. The said boards shall make  
6 or cause to be made, annual settlements with  
7 the respective sheriffs before laying the county  
8 levies.



## Senate Bill No. 52.

A BILL to amend and re-enact the act regulating  
Allowances to County Officers.

*Be it enacted by the Legislature of West Virginia :*

1     The “Act fixing the limits for allowances to  
2 county officers,” passed November 7, 1863, is  
3 hereby amended and re-enacted so as to read  
4 as follows :

5     The following named county officers shall be ,  
6 allowed, annually, by the boards of supervisors  
7 of their respective counties for their public  
8 services, [for which no other fee or reward is  
9 allowed by law,] to be paid out of the county  
10 treasury, such sums as the said boards deem  
11 reasonable, to-wit: prosecuting attorneys, not  
12 less than one hundred or more than six hundred  
13 dollars; sheriffs not less than fifty or more  
14 than two hundred dollars; clerks of boards of  
15 supervisors, not less than fifty or more than  
16 six hundred dollars; clerks of circuit courts,  
17 not less than fifty or more than two hundred  
18 dollars; and jailors, not less than thirty or  
19 more than sixty dollars; except that the pros-  
20 ecuting attorney for the the circuit court of  
21 Ohio county shall be allowed, annually, not  
22 less than six hundred or more than twelve  
23 hundred dollars.





## Senate Bill No. 53.

A BILL to relinquish to the Maryland and Virginia Bridge Company, the stock in said company belonging to the State.

*Be it enacted by the Legislature of West Virginia :*

1     The intererest or stock of this State in the  
2 Maryland and Virginia Bridge Company is  
3 hereby relinquished to the said bridge com-  
4 pany, for the benefit of the stockholders there-  
5 of, other than the State ; provided, that this  
6 act shall be of no effect until the said bridge  
7 company, shall cause to be erected across the  
8 Potomac river at Shepherdstown, a bridge  
9 suitable for passengers and wagons; provided,  
10 however, that if the State, by her Legislature,  
11 shall at any time before the said bridge com-  
12 pany shall have completed a bridge upon the  
13 piers and abutments owned by them, appro-  
14 priate on the part of the State an amount to-  
15 ward the erection of the said bridge, propor-  
16 tionate to her interest in the same, then the  
17 interest so relinquished shall revert and be-  
18 come the property of the State, as though this  
19 act had not been passed ; provided further that  
20 said company shall so far complete said bridge  
21 by the 1st day of June, 1867, as to admit of the  
22 passage of wagons over the same.



## Senate Bill No. 54.

A BILL for the relief of the Overseers of the poor of the County of Brooke.

*Be it enacted by the Legislature of West Virginia:*

1     1. That it shall be lawful for the overseers  
2 of the poor of the county of Brooke, to make a  
3 new report of their expenses for the year end-  
4 ing on the 31st day of March, 1864, as now  
5 directed by law. And to present the report so  
6 made to the board of supervisors of the said  
7 county, at their annual meeting in June, 1866.

1     2. The amount, which, according to such re-  
2 port, the aforesaid overseers will require, shall  
3 be chargeable on said county; and the board of  
4 supervisors of the said county of Brooke, when  
5 it orders the annual levy for the year 1866,  
6 shall provide for the said amounts together with  
7 a sufficient sum to pay what interest may have  
8 accrued on said amount till paid. It shall be  
9 payable out of the proceeds of the said levy to  
10 the overseers aforesaid, and shall be paid there-  
11 out, to such persons, and in such sums as the  
12 said board of overseers may direct.



## Senate Bill No. 55.

A BILL to provide counsel for the poor.

*Resolved by the Legislature of West Virginia:*

1     1. A poor person may be allowed by a court  
2 to sue or defend a suit, whereupon in case he  
3 be defendant, he shall be assigned counsel by  
4 the court; said counsel and officers of the court  
5 to receive such reasonable fees as the judge  
6 may see proper to allow. The fees, if a case in  
7 which the State is plaintiff, to be paid by the  
8 State treasurer, on being approved by the audi-  
9 tor. In all other cases, whether plaintiff or  
10 defendant, the attorney and officers shall be  
11 paid by the county treasurer after being ap-  
12 proved by the board of supervisors.

1     2. The 1st section of chapter 185 of the Code  
2 of Virginia, and all acts inconsistent with this,  
3 are hereby repealed.

1     3. This act to take effect from the first day of  
2 September 1866.





## Senate Bill No. 56.

A BILL in relation to actions of detinue.

*Be it enacted by the Legislature of West Virginia :*

1     1. If the plaintiff in an action of detinue shall desire to have  
2 immediate possession of the property for the recovery of which  
3 such action is brought, he may at the commencement of the  
4 action, or at any time after, and before judgment, file with the  
5 clerk of the court in which the action is brought, or is pending,  
6 or if the action is brought in a justice's court, with the justice  
7 before whom the same is brought or is pending, an affidavit  
8 stating the kind, quantity and value of the property claimed  
9 by the plaintiff in such action, and that the affiant verily be-  
10 lieves the plaintiff is entitled to recover the same therein. He  
11 shall, also, in such case, execute a bond with good security, to  
12 be approved by the clerk or justice, in a penalty at least  
13 double the value of the property claimed, payable to the defen-  
14 dant, with condition to pay all costs and damages which may  
15 be awarded against him, or sustained by any person by reason  
16 of such suit, and to have the property so claimed forthcoming  
17 to answer any judgment or order of the court or justice res-  
18 pecting the same, and shall file such bond with the clerk or  
19 justice.

1     2. If such affidavit and bond be filed at the commencement  
2 of the action, the clerk or justice shall endorse on the sum-  
3 mons an order to the officer to whom the same is directed, to  
4 seize and take into his possession the property mentioned in  
5 such summons. But if the same be filed after the commence-  
6 ment of the action, the clerk or justice shall issue an order  
7 reciting the pendency of the action, and stating the kind, quan-  
8 tity and value of the property for which the action is brought,  
9 and requiring the officer to whom the same is directed, to seize  
10 and take into his possession the property mentioned in such  
11 order.

1     3. It shall be the duty of the officer to whom any such sum-  
2 mons or order is delivered, to proceed forthwith to execute the  
3 same, and he may, if necessary, break open and enter any  
4 house or other enclosure in which such property may be, in  
5 order to seize the same.

1     4. The defendant, in any such action, may have the proper-  
2 ty taken possession of by such officer by virtue of such sum-  
3 mons or order returned to him at any time within three days  
4 after such taking, upon executing a bond with good security,  
5 to be approved by said officer, payable to the plaintiff, in a pen-  
6 alty at least double the value of such property, with condition  
7 to pay all costs and damages which may be awarded against

8 him in said action, and all damages which may be sustained by  
9 any person by reason of the return of said property to him, and  
10 to have the property forthcoming to answer any judgment or  
11 order of the court or justice respecting the same, which bond  
12 shall be delivered to such officer, and by him returned to the  
13 office of the clerk or justice who issued such summons or or-  
14 der. Upon the reception of such bond by the officer aforesaid,  
15 he shall forthwith return the property so taken by him to the  
16 defendant; but in case no such bond be delivered to such  
17 officer within said three days, said property shall be delivered  
18 by said officer to the plaintiff.

1 5. Either party may, upon reasonable notice to the other,  
2 except to the sufficiency of the sureties in the bond of such  
3 party, and the court, or the judge thereof in vacation, or the  
4 justice before whom such action is pending, may, upon the  
5 hearing of such exceptions, make such order in the premises  
6 as may seem just and equitable.

1 6. Upon the final trial of any such action, if the verdict be  
2 for the plaintiff and he be not already in possession of the  
3 property claimed, the judgment shall be that he recover the  
4 possession of said property if a recovery thereof can be had,  
5 and if not, that he recover the value thereof as found by such  
6 verdict, and in either event that he recover the damages, if

7 any assessed by the jury for the detention of said property,  
8 and his costs in such action. And it shall be the duty of the  
9 jury in such cases to ascertain and assess such damages as the  
10 plaintiff has sustained by reason of the detention of such prop-  
11 erty by the defendant. If the plaintiff be already in posses-  
12 sion of such property, the judgment shall be that he retain the  
13 possession thereof, and for damages and costs as aforesaid. In  
14 case the verdict at such trial be for the defendant, if the plain-  
15 tiff be in possession of the property claimed, the jury shall in  
16 like manner ascertain and assess the damages sustained by the  
17 defendant by reason of the detention of said property by the  
18 plaintiff, and also the value of said property, and judgment  
19 shall be entered upon such verdict in all respects as is provided  
20 in case the verdict be for the plaintiff.

1 7. The execution issued in such cases shall conform in all  
2 things to the judgment entered therein.



## Senate Bill No. 58.

A BILL for the protection of the loyal citizens of the State, and for the repeal of certain acts therein named.

*Be it enacted by the Legislature of West Virginia :*

1     1. No suit or action shall be maintained in  
2 the courts of this State, against any person for  
3 any act done in the suppression of the late  
4 rebellion; and it shall be a sufficient defense to  
5 such suit or action, to show that such act was  
6 done in obedience to the orders, or by the  
7 authority of any civil or military officer of this  
8 State, of the reorganized Government of Vir-  
9 ginia, or the Government of the United States;  
10 or that said act was done in aid of the purposes  
11 and policy of said authorities, in retarding,  
12 checking and supporting the late rebellion.

1     2. The 27 section of the act entitled "An act  
2 to amend and re-enact sections 23, 27 and 28,  
3 of chapter 151, and section 13, chapter 170 of  
4 the Code of Virginia," passed February 11,  
5 1865, and the act, chapter 79, passed February  
6 28, 1865, be and the same are hereby repealed.



## Senate Bill No. 59.

A BILL to amend the license law.

*Be it enacted by the Legislature of West Virginia :*

1     The 6th section of an act passed November  
2   28, 1863, entitled "An Act Concerning Licens-  
3   es," be amended to read as follows :

4     6. Upon credible complaint in writing made  
5   to him, or on his own knowledge of any breach  
6   of the condition of such bond as is mentioned  
7   in the fifth section, the prosecuting attorney of  
8   the county shall, from time to time, put the  
9   same in suit, and recover for each breach the  
10  sum of ten dollars, for the use of the county,  
11  until the penalty is exhausted; in all such  
12  suits, in addition to the costs to the justice and  
13  other offices, a fee of five dollars to the prose-  
14  cuting attorney shall be taxed to the defendant.



## Senate Bill No. 66.

A BILL in relation to oaths of suitors.

*Be it enacted by the Legislature of West Virginia :*

1       The act entitled “An Act to prevent the  
2 prosecution of oaths and the sueing out of  
3 process by persons engaged in] the rebellion,”  
4 passed Febuary 28, 1865, shall not apply to  
5 any case wherein the cause of action arose  
6 since the first day of April 1865, or shall here-  
7 after arise ; nor shall any plaintiff be required  
8 to take any of the oaths prescribed by the said  
9 act, until the defendent or defendents shall take  
10 and file with the papers of the cause, in addi-  
11 tion to the oath required by the said act for  
12 defendants, the same oath which plaintiffs may  
13 be required to take under the said act.





## Senate Bill No. 67.

A BILL in relation to the Guyandotte Navigation Company.

*Be it enacted by the Legislature of West Virginia:*

1     1. The said Guyandotte Navigation Com-  
2 pany is and shall continue to be a body corpo-  
3 rate under the name and style of "the Guyan-  
4 dotte Navigation and Land Company," with  
5 the rights and powers conferred by the acts of  
6 the General Assembly of Virginia, passed the  
7 16th day of March, 1849, 4th day of March,  
8 1851, and the 28th day of February, 1860, and  
9 subject to the duties and obligations imposed  
10 by said acts, except so far as the same are  
11 inconsistent with this act.

1     2. The interests and stock of the State in  
2 said Navigation company, is relinquished to  
3 the stockholders other than the State, provided  
4 said company shall improve the navigation of  
5 the Guyandotte river, in the manner contem-  
6 plated by the existing charter, or by substitu-  
7 ting for locks and dams, sluices with wing  
8 dams, the whole or any part of the distance  
9 mentioned in said charter, which it is authori-

10 zed to do, if deemed more expedient; shall  
11 commence the work within two years and  
12 complete the same within ten years from and  
13 after the passage of this act; or account to the  
14 State for the now present value of the stock  
15 and interest hereby relinquished, with interest  
15 from the date of this act.

1 3. Said company is authorized to increase  
2 its capital stock to an amount not to exceed  
3 \$3,000,000, and sell and dispose of the same ;  
4 to purchase, hold and dispose of by title, legal  
5 or equitable, all the right, title, interest and  
6 estate now owned by the stockholders, other  
7 than the State, or any of them, in their individ-  
8 ual capacity, or by those claiming under them  
9 or any of them, in the four Samuel Smith  
10 surveys, which lie contiguous to each other  
11 and mostly upon said Guyandotte river, and its  
12 tributary waters, and include in their exterior  
13 boundaries, 379,000 acres, with other lands  
14 lying within the limits aforesaid or contiguous  
15 to said river, not to exceed in all 379,000 acres  
16 and deliver its stock in payment thereof, or  
17 any part thereof, to clear out and otherwise  
18 improve the streams, that are tributary to said  
19 Guyandotte river, and any other streams that

20 may afford convenient outlets to the Ohio river  
21 for the products of its lands; and to construct  
22 rail and other roads, from any part of its lands,  
23 which shall connect with its improvements, or  
24 other improvements that may be built, provi-  
25 ded, the vested rights of individuals shall not  
26 be invaded or infringed, except due compensa-  
27 tion shall be made according to law, and to  
28 charge and collect such tolls upon its improve-  
29 ments as shall be deemed reasonable, subject  
30 however to the approval of the board of public  
31 works, or the Legislature.

1 4. Said company shall have power to improve  
2 and sell its lands, develop their resources, and  
3 to sell and transport to market the products  
4 thereof, to manufacture the raw material  
5 coming therefrom, or from other sources, and  
6 to sell or otherwise dispose of, and to transport  
7 the manufactured articles to market; and to  
8 sell and dispose of its lands, or any part there-  
9 of, in the manner it may deem best to individ-  
10 uals or corporations, to hold, use and sell, or  
11 otherwise dispose of to others, the water power  
12 that may be created by the erection of locks  
13 and dams, upon the Guyandotte river, if that  
14 mode of improvement shall be adopted.

1     5. Granville Parker, Esq., president of said  
2 company, is authorized to call a meeting of the  
3 stockholders, other than the State, at any time  
4 within six months after the passage of this act,  
5 at such place as he shall deem most convenient,  
6 giving reasonable notice for the purpose of  
7 laying before them this act, and if accepted of  
8 electing a board of directors and president,  
9 who shall inform the board of public works of  
10 such acceptance and transact any other neces-  
11 sary business. At all general meetings and  
12 elections, each stockholder may in person, or  
13 by proxy, cast one vote for every share of stock  
14 owned by him, said company shall have its  
15 principal office of business in Cabell county in  
16 this State, where the meeting of its stockholders  
17 shall be held, but may have a branch office in  
18 the city of New York, where the first meeting  
19 of its stockholders may be held.













UNIVERSITY OF ILLINOIS-URBANA



3 0112 107830249